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Hon. Ann Aiken

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*Attorneys for Wells Fargo Bank, N.A., Christian Rowley,
and Peter Urias*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ANDREW G. CLARK,

Plaintiff Pro Se,

v.

WELLS FARGO BANK, N.A., et al.
Defendants.

Case No. 6:20-cv-253-AA

DECLARATION OF CHRISTIAN J.
ROWLEY IN SUPPORT OF
DEFENDANT WELLS FARGO BANK,
N.A.'S EX PARTE APPLICATION TO
LIMIT PLAINTIFF'S CONTACT WITH
WELLS FARGO AND DIRECT
COMMUNICATIONS TO ITS COUNSEL
OF RECORD ONLY, AND FOR
SANCTIONS

I, Christian Rowley, hereby declare as follows:

1. I am a partner with the law firm Seyfarth Shaw LLP (“Seyfarth”), which is counsel of record for defendant Wells Fargo Bank, N.A (“Wells Fargo”). I am an attorney licensed to practice law in the state and federal courts of California, Utah and Massachusetts. I have applied for, and was granted, admission *pro hac vice* to the United States District Court for the District of Oregon in connection with the above-captioned lawsuit. The following is based upon my own personal knowledge, and if called upon to testify thereto, I could accurately do so.

2. Seyfarth was retained to represent Wells Fargo, Wells Fargo & Company, Inc., and Wells Fargo Home Mortgage in the matter of *Clark v. Wells Fargo Bank, N.A., et al.* (“*Clark III*”), No. 6:13-cv-01546-AA, 2014 WL 2998600 (D. Or. July 1, 2014). I was lead counsel in *Clark III*.

3. Seyfarth also represented Wells Fargo in the matter of *Clark v. Hasselman et al.* (“*Clark IV*”), No. 6:14-cv-01103-TC, 2016 WL 3474178 (D. Or. Apr. 4, 2016). I was lead counsel in *Clark IV*.

4. In *Clark IV*, Clark sent dozens of unsolicited faxes to numerous other attorneys at both Seyfarth, including myself and my former colleague, Peter Urias, and Williams Kastner co-counsel of record for Wells Fargo. To prevent further unsolicited communications, Seyfarth asked Clark to direct all communications to counsel of record, but Clark ignored Seyfarth’s request and continued to contact Wells Fargo directly, including members of Wells Fargo’s Board of Directors. Seyfarth sent a cease and desist letter to Clark, but Clark did not stop his communications and, instead, his communications became increasingly inappropriate and

unprofessional. Wells Fargo sought judicial intervention, and the Court ordered Clark to refrain from contacting or communicating with any officer, director, employee, branch or office, or other person affiliated with Wells Fargo concerning this litigation or any other matter unless authorized by the Court, and to direct any such communications to me. Even after *Clark IV* was dismissed with prejudice, Clark continued to send many unsolicited communications to me, numerous attorneys at Seyfarth who have no involvement in Plaintiff's lawsuits, as well as various completely unrelated third parties. Because of Plaintiff's past behavior, I hold a good faith belief that a meet and confer effort with Plaintiff regarding this ex parte application would be futile.

5. On March 25, 2020, Clark faxed what appears to be a letter addressed to "Billy Williams, United States Attorney for Oregon" to a Wells Fargo Branch. On information and belief, this fax was sent to a branch in Colorado. None of the Wells Fargo branches, including the branches in Colorado, has any involvement in this lawsuit on any of the allegations or events underlying Plaintiff's claims. This communication had to be transmitted from the Wells Fargo Branch to the appropriate individual at Wells Fargo's Legal Department, which was then transmitted to me. Exhibit A attached hereto is a true and correct copy of Plaintiff's March 25, 2020 facsimile.

6. On April 9, 2020, Clark faxed a document entitled "Motion for Judicial Notice of Adjudicative Facts and Clarification of Claim for Relief" to three separate Wells Fargo Branches, in New York, New Jersey, and Oregon. Plaintiff sent these faxes at different times that day. On information and belief, the Wells Fargo's legal department located in Los Angeles already received copies of this document. These communications had to be transmitted from

the respective Wells Fargo Branch to the appropriate individual at Wells Fargo's Legal Department, which was then transmitted to me. Exhibit B attached hereto is a true and correct copy of Plaintiff's April 9, 2020 facsimile to a New York Branch. Exhibit C attached hereto is a true and correct copy of Plaintiff's April 9, 2020 facsimile to a New Jersey Branch. Exhibit D attached hereto is a true and correct copy of Plaintiff's April 9, 2020 facsimile to an Oregon Branch. The Wells Fargo branches in New York, New Jersey, and Oregon to which Plaintiff faxed his "Motion" have no involvement in this lawsuit or any of the allegations or events underlying Plaintiff's claims.

7. On April 13, 2020, Plaintiff sent the Wells Fargo's Board of Directors a correspondence through the Board of Directors' email address, with the subject line of "Bar Complaint - 18 USC 1621 violation." This correspondence was also emailed to John Pollino, counsel of record for the Ogleree defendants, and individuals who appear to be part of the American Bar Association and the Oregon State Bar. This correspondence was also served through Wells Fargo's service of process agent in Delaware, Corporate Service Company. These communications had to be transmitted from the Board of Directors to the appropriate individual at Wells Fargo's Legal Department, which was then transmitted to me. Exhibit E attached hereto is a true and correct copy of Plaintiff's April 13 email that was sent to the Board of Directors and to Corporate Service Company. None of the individuals on Wells Fargo's Board of Directors has any involvement in this lawsuit or any of the allegations or events underlying Plaintiff's claims.

8. On information and belief, employees at these various Wells Fargo branches and the Board of Directors who received Plaintiff's communications had to disrupt their duties,

including helping clients deal with the COVID-19 crisis, and expend time and effort to review and identify these communications and ensure that the communications were transmitted to the appropriate individuals in Wells Fargo's legal department.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the State of Oregon and the United States that the foregoing is true and correct.

Executed on April 16, 2020 in San Francisco, California.

s/ Christian Rowley

CHRISTIAN ROWLEY

EXHIBIT A

March 18, 2020
Billy Williams, United States Attorney for Oregon
1000 SW 3rd Ave Ste 600 Portland OR 97204
c/o Eugene OR Office in Wayne Morse Courthouse

Re: Wells Fargo &
Ogletree Deakins

FEDERAL MAJOR VIOLENT CRIME REPORT

Repeated, Physical Tampering of a Federal Witness in Active
Department of Labor and Office of Comptroller of Currency Investigations.
Obstruction of Justice via Rampant Public Corruption Including Hobbs Act Violations.
Novel Crimes: Deliberate, Knowing Use of Family Courts as a Means of Tampering,
Fraudulent and Coordinated Use of Local, State, and Federal Justice Systems to Obstruct.

My civil complaint 6.20.cv.253.aa does a very good job of documenting actions against me and linking them to my employment at Wells Fargo. But unless it is read carefully, it could leave a reader wondering “what crimes could possibly have been committed so extreme that a group of people would be used to conceal it by committing a series of RICO crimes including the use of courts to obstruct justice? What evidence could a lowest-level worker possibly have of it?”

1. A police report is a very special and perfect type of evidence. Attached is a page from a Eugene, OR police report dated July 19, 2011. It is Page 82 of the civil complaint. It is from before all the RICO crimes were committed against me. It shows Wells Fargo corporate security agent Martin Ogno was aware I had filed reports with Federal Bureau-Investigation (FBI) in Eugene OR, therefore Wells Fargo was aware. Most shocking: Eugene Police told Ogno I considered his “well-being visit at my home at night by uniformed SWAT police” to be retaliation. Ogno told Eugene Police to ‘fuhggedaboutit’ and explains he had contacted FBI and that FBI did not take my (just filed in-person and sworn-to well-evidenced, voluminous) reports seriously. Think of that horrific violation of City of Eugene Police.
2. After that is a printout of Department of Justice publication “Criminal Resource Manual 1729”. It has a standard archive disclaimer but the content is valid, last updated January 2020. A person who reports to a federal law enforcement agency such as FBI is a Federal Witness. Tampering with a Federal Witness is a violation of 18 USC 1512, particularly when Federal investigations are in process.
3. Two different Federal Investigations were in process. Next exhibits are proof from Department of Labor and Office of Comptroller of Currency of recently accepted Federal investigations. The PACER system records for SLAPP-suit 6.11.cv.06248.ho and my subsequent civil actions show exactly how the courts were used to bypass discovery of the above crimes.
4. My civil complaint enumerates and documents the RICO crimes committed against me. Please note that I presented Tampering using false arrest and jail as violations of 18 USC 1201 by Wells Fargo/Ogletree Deakins; armed kidnapping for political or economic motivations. Use of police to tamper with a Federal Witness is absolutely gangland. It is as bad it gets, other than the novel crimes listed above and detailed in the civil complaint.
5. Related but not relevant to the crime report: I motioned for Wells Fargo and Company to intervene. It is in PACER. It is possible that everything that happened was actually a Wells Fargo & Co. project. A metaphor for that is found on www.TheEugeneBlairProject.com. I placed the Circuit Court and Police a/v on www.RisePatriot.com and www.WellsFargoWitz.com (family court).

Thank you from Andy Clark 3270 Stoney Ridge Rd. Eugene OR 97405 541.510.3915 (exhibits follow)

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11-11771

was Officer Pleske who was there with us during the contacts and told Clark that Officer Pleske concurred with my findings in the matters. I asked Clark if there was anything else I could do for him. Clark said there was nothing else I could do for him and he left city hall.

Also per Sergeant Klinko's request, I contacted Marty Ogno, head of security for Wells Fargo. I called Ogno and told him I had contacted Clark and that he had been advised he was trespassed from all Wells Fargo properties. I also told Ogno Clark was concerned he had \$24,000 in an account at Wells Fargo. Ogno said he had looked it up and though Clark only had about \$200 in an account, but that he would close Clark's account and mail him a check with the remaining balance. Ogno asked how the contact went. I told Ogno that Clark felt he was being retaliated upon for contacting the FBI and CIA with Wells Fargo's wrong doings. Ogno said that he had been in contact with the FBI and told me that the FBI did not take Clark's reports seriously.

>>>>>

FBI would
not say that.

Notice no
person at
FBI is
referenced.

At approximately 1900 hours, dispatch advised that Clark had left a phone number for me to call him back so he could further discuss his desire to press charges against Wells Fargo for filing a false police report. I requested Sergeant Magnuson respond to the report writing room where I was working on reports so I could discuss the situation with him before calling Clark back. While I was explaining the situation to Sergeant Magnuson, Dispatch advised that Clark had called back 3 more times requesting contact. I then asked Sergeant Magnuson if he would contact Clark in my behalf in that I was unable to effectively communicate to Clark that Wells Fargo had broken no laws and that they had the right to trespass Clark from their properties.

It is corruption
of FBI processes
and obstruction.

Reviewed by FTO: **Pleske**
Name

112
Badge

BTW, I did
report to CIA via
nationwide fax#
and consulate
offices in
Bangalore and
Hyderabad India
due to concerns
related to
system
development
work on the
CORE/ELF
system I had to
use here that
was being badly
programmed in
India.

Isch
#623

07-19-11 2330 Hours

Approved By: Magnuson 122

3/16/2020

1729. Protection Of Government Processes -- Tampering With Victims, Witnesses, Or Informants -- 18 U.S.C. 1512 | JM | Department of ...

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THE UNITED STATES
DEPARTMENT OF JUSTICE
ARCHIVES

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1729. PROTECTION OF GOVERNMENT PROCESSES -- TAMPERING WITH VICTIMS, WITNESSES, OR INFORMANTS -- 18 U.S.C. 1512

Section 1512 of Title 18 constitutes a broad prohibition against tampering with a witness, victim or informant. It proscribes conduct intended to illegitimately affect the presentation of evidence in Federal proceedings or the communication of information to Federal law enforcement officers. It applies to proceedings before Congress, executive departments, and administrative agencies, and to civil and criminal judicial proceedings, including grand jury proceedings. See 18 U.S.C. § 1515(a)(1). In addition, the section provides extraterritorial Federal jurisdiction over the offenses created therein. See 18 U.S.C. § 1512(g); 128 Cong. Rec. H8469 (daily ed. Oct. 1, 1980); H. R. Rep. No. 1369, 96th Cong., 2d Sess. 20-22 (1980).

The express prohibitions against tampering with witnesses and parties contained in former 18 U.S.C. §§ 1503 and 1505, are now in paragraphs (b)(1) and (2) of 18 U.S.C. § 1512. (As discussed in this [Manual at 1724](#) and [1727](#), the omnibus clauses of these provisions still cover witnesses.) All forms of tampering with informants covered in former 18 U.S.C. § 1510, with the exception of tampering by means of bribery, are now proscribed by 18 U.S.C. § 1512(b)(3). Tampering with informants by means of bribery remains an 18 U.S.C. § 1510 offense.

Section 1512 augments the prohibitions of the former law in several important respects. First, section 1512(b)(3) sweeps more broadly than former 18 U.S.C. § 1510 and expands the class of informants protected by Federal law. For example, it protects individuals having information concerning a violation of a condition of probation, parole, or bail whether or not that violation constitutes a violation of any other Federal criminal statute. Second, it protects individuals seeking to provide information to Federal judges or Federal probation and pretrial services officers.

Section 1512 also includes attempts in its list of prohibited conduct. There is no requirement that the defendants actions have the intended obstructive effect. See, e.g., *United States v. Murray*, 751 F.2d 1528 (9th Cir.), cert. denied, 474 U.S. 979 (1985); *United States v. Wilson*, 796 F.2d 55 (4th Cir. 1986), cert. denied, 479 U.S. 1039 (1987). As amended by the Criminal Law and Procedure Technical Amendments Act of 1986, Pub. L. 99-646, it is clear that the killing of a witness or attempts to kill a witness in order to prevent his/her testimony constitutes an act of force intended to "influence the witness' testimony." See 18 U.S.C. § 1512(a). This change was necessitated by one court interpreting former § 1512 as not reaching an act of attempted murder that was intended to prevent a witness from testifying. See *United States v. Dawlett*, 787 F.2d 771 (1st Cir. 1986).

The section specifically abolishes the pending proceeding requirement of 18 U.S.C. §§ 1503 and 1505. The provision also eliminates ambiguity about the class of individuals protected. Although the former law protected witnesses, parties, and informants, it was unclear whether that law reached the intimidation of third parties (for example, the spouse of a witness) for the purpose of intimidating the principal party. Section § 1512 of Title 18 plainly covers such conduct, for it speaks of conduct directed toward "another person." See 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982).

Section 1512 protects potential as well as actual witnesses. With the addition of the words "any person," it is clear that a witness is "one who knew or was expected to know material facts and was expected to testify to them before pending judicial proceedings." *United States v. DiSalvo*, 631 F.Supp. 1398 (E.D. Pa. 1986), aff'd, 826 F.2d 1054 (3d Cir. 1987). Under § 1512, an individual retains his/her status as a witness even after testifying. *United States v. Wilson*, 796 F.2d 55 (4th Cir. 1986), cert. denied, 479 U.S. 1039 (1987) (protection of witness under § 1512 continues throughout the trial); *United States v. Patton*, 721 F.2d 159 (6th Cir. 1983) (witness retains status while defendant's motion for a new trial is pending); *United States v. Chandler*, 604 F.2d 972 (5th Cir. 1979) (witness retains status while case is pending on direct appeal). Cf. *United States v. Risken*, 788 F.2d 1361 (8th Cir.), cert. denied, 479 U.S. 923 (1986) (party was a witness after asserting his Fifth Amendment privilege and being dismissed from the stand since he could be recalled at any time).

Section 1512 of Title 18 contains two significant additions to the types of tampering barred by Federal law. First, it forbids "misleading conduct," as defined in 18 U.S.C. § 1515. Such conduct was not covered in those circuits that had narrowly construed the omnibus clauses of 18 U.S.C. §§ 1503 and 1505 under the rule of ejusdem generis. See *United States v. Metcalf*, 435 F.2d 754 (9th Cir. 1970); *United States v. Essex*, 407 F.2d 214 (6th Cir. 1969). see generally, 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982). Second, 18 U.S.C. § 1512 makes intentional harassment a misdemeanor. This offense is intended to reach conduct less egregious than the corrupt, threatening or forceful conduct required for a violation of former 18 U.S.C. §§ 1503 and 1505. Harassing conduct has been defined as that intended to badger, disturb or pester. *Wilson, supra*.

Despite its coverage, section 1512 was not intended to reach all forms of witness tampering. Its coverage is limited to tampering accomplished by the specific means enumerated in the provision. *United States v. King*, 762 F.2d 232 (2d Cir. 1985), cert. denied, 475 U.S. 1018 (1986). The more imaginative types of witness tampering as well as forms of tampering defying enumeration were still prohibited by the omnibus provision of § 1503. *United States v. Lester*, 749 F.2d 1288 (9th Cir. 1984).

It is unclear whether 18 U.S.C. § 1512(b)(3) was intended to widen the prohibition against obstructing investigations contained in former 18 U.S.C. § 1510 to include investigations that are not per se criminal in nature, such as an FAA investigation of an aircraft accident, or a Senate committee investigation of the trucking industry. A comparison of the difference in phraseology between 18 U.S.C. §§ 1510 and 1512(b)(3), however, indicates that those differences are differences of style, not substance, and that no such expansion was intended. Section 1510 proscribes interference with "the communication of information relating to a violation of any criminal statute of the United States . . ." to a (Federal) criminal investigator; 18 U.S.C. § 1512(b)(3) proscribes interference with "the communication to a (Federal) law enforcement officer . . . of information relating to the commission or possible commission of a Federal offense." There is nothing to indicate that Congress intended to depart from the generally accepted meaning of "law enforcement" as criminal law enforcement and of "offense" as criminal violation. See 18 U.S.C. § 1515(4); 128 Cong. Rec. H8203 (daily ed. Sept. 30,

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1982). Accordingly, prosecutions for interference with legislative or administrative investigations that have not taken on the character of a criminal investigation should be brought under the omnibus clause of 18 U.S.C. § 1505. See this [Manual at 1726](#).

[cited in [JM 9-69.100](#)]

◀ [1728. Protection Of Government Processes -- Obstruction Of Federal Criminal Investigation -- 18 U.S.C. 1510](#)

up

[1730. Protection Of Government Processes -- "Official Proceeding" Requirement -- 18 U.S.C. 1512](#) ▶

Updated January 17, 2020

Case: 17-35247, 06/21/2017, ID: 10482013, DktEntry: 6-1, Page 94 of 295

U.S. DEPARTMENT OF LABOR

Occupational Safety & Health Administration
1111 Third Avenue, Suite 715
Seattle, Washington 98101 - 3212



July 11, 2011

Mr. Andrew Clark
3270 Soney Ridge Road
Eugene, OR 97405

Re: Consumer Financial Protection Act of 2010 Complaint Dated June 19, 2011

Dear Mr. Clark:

This is to acknowledge receipt of your complaint of retaliation under the whistleblower provision of the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C.A. § 5567 (or, CFPA), which you filed on June 19, 2011. Please be advised that OSHA's jurisdiction to investigate such complaints does not become effective until the "designated transfer date," pursuant to Sections 1058 and 1062 of the Dodd-Frank Act, which the Secretary of the Treasury has set as *July 21, 2011*. The relevant sections of the statute can be found at www.whistleblowers.gov.

Should you wish to re-file a written CFPA whistleblower complaint on or after *July 21st*, you may send us another letter with this request. However, in order for OSHA to initiate an investigation, you must provide information that you were retaliated against on or after July 21, 2011.

In your complaint letter, you also requested to file it under Section 806 of the Sarbanes-Oxley Act ("SOX"). Please note that we have docketed that portion of your complaint as a SOX complaint. The SOX complaint has been assigned to OSHA Investigator, Patricia Brown who can be reached at 206-553-5930, and your employer has been notified about it.

Thank-you for your cooperation.

Sincerely,

Vicky Coleman
Vicky Coleman
Regional Supervisory Investigator

RECOGNIZED

RETALIATION

NOT

MAY 25 DOC -
PORTLAND

REPORT



Occupational
Safety and Health
Administration

www.osha.gov

429

Case 17-35247

Clark vs. Wells Fargo et al Exhibits

100 PAGE

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LOST AT

3 a

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Xfinity Connect OCC Case _ 01640244 has been created_ Printout

do_not_reply@occ.treas.gov <do_not_reply@occ.treas.gov>

6/29/2011 6:01 AM

OCC Case # 01640244 has been created.

To mir99@comcast.net

6/29/2011

Re: Case# 01640244

Dear Andrew Clark:

This is an automatically generated message. Please do not reply to this email. We are unable to respond to messages sent to this address.

Please keep a copy of this email for your records!

This email acknowledges receipt of your Online Consumer Complaint form. Based upon your correspondence we have opened a case in the OCC's Customer Assistance Group (CAG). Please make note of the case number listed above, and provide the number on any future correspondence or contact with our office.

We are reviewing the information you provided, and will contact the bank requesting a response to your issues. In most instances, the bank will respond directly to you and copy us in writing. Once you receive the bank's response, it is very important that you carefully review their summary and actions taken, if any.

If the bank has satisfactorily addressed your issues and/or concerns no further action on your part is required. If however, the bank failed to address your issues and/or concerns or you disagree with their response, please contact the CAG in writing within 30 days of receipt of the bank's letter. Please include in your reply the specific issues that the bank failed to address or, if applicable, the reasons you disagree with the bank's assessment. Also, please include any additional documentation that supports your position.

The OCC examines national banks to ensure their safe and sound financial condition and ensures compliance with applicable banking laws, rules and regulations. The CAG was established to assist customers who have questions or complaints involving national banks. For additional information on the OCC and CAG please visit our internet site www.helpwithmybank.gov.

The CAG offers guidance, and assists consumers in resolving complaints about national banks and their subsidiaries. The CAG is not a consumer advocacy or bank advocacy group. The OCC is an administrative agency and we do not have jurisdiction to resolve contractual and factual issues. We do not have judicial authority and cannot award damages in excess of a bank's error.

While complaint processing times may vary, on average you should receive a written response from CAG within 60 days after we have a complete file.

If you would like to check the status of your case online, please click on the following link: https://appsec.helpwithmybank.gov/olcc_form/checkstatus.aspx or visit www.helpwithmybank.gov and click on the Check Case Status page.

Should you have questions, please contact this office at the number listed below.

Sincerely,

Customer Assistance Group
1-800-613-6743

This message contains confidential information and is intended solely for the use of the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by sending an email to helpwithmybank.faq@occ.treas.gov if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

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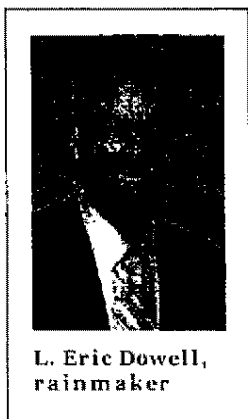
Exhibit 1



Sheriff Joe Arpaio's Favorite Law Firm, Ogletree Deakins, Cost Taxpayers \$2.4 Million -- in Just Two Years

By Sarah Fenske

Published Wed., May 26 2010 at 8:00 AM



The battle for control of Maricopa County -- pitting Sheriff Joe Arpaio and County Attorney Andrew Thomas against the Board of Supervisors, judges, and county administrators -- has been costly to both taxpayers and the parties involved.

But it's been a major boon to one local law firm.

Ogletree Deakins, a relatively obscure firm specializing in employment law, became Arpaio and Thomas' go-to legal counsel just as the disputes were heating up. And, according to public records obtained by *New Times*, the firm has billed the county for a staggering \$2.49 million since January 2009.

Most of the work had little to do with employment law -- and most of the firm's representation has been unsuccessful, legally speaking.

Ogletree Deakins has fought for the sheriff's right to take over the county's computer system. They tried to argue that the supervisors didn't have the right to sweep money from funds controlled by Thomas and Arpaio. They're currently pressing Arpaio's assertion that he shouldn't have to open his books to county auditors.

And, according to the billing records we looked at, it appears likely that Ogletree lawyers may have even been behind one of Arpaio/Thomas' biggest embarrassments: the criminal charges they filed against the county's presiding criminal court judge, Gary Donahoe.

As *New Times* first reported earlier this month, prosecutors filed criminal charges against Donahoe without bothering to seek a grand jury indictment. They simply filed a direct complaint, and attached a "probable cause" statement that, almost word for word, matched a complaint that the sheriff's office had filed with the Arizona Commission on Judicial Conduct one week before. That complaint, detailing a conspiracy theorist's view of Judge Donahoe's conduct, was signed by Arpaio's chief deputy, David Hendershott.

It now appears that Hendershott had some help penning the letter.

According to its billing statements, Ogletree charged the county \$27,310 for something titled "MCSO State Bar/Judicial." The first two invoices with that notation were submitted on December 1, 2009 --

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just one day after Hendershott filed "his" complaint with the judicial conduct commission.

So did an employment law specialist draft the document that became the basis for the criminal charges against the county's presiding criminal court judge? If nothing else, it would explain why the document drew guffaws from seasoned prosecutors. Ogletree's lawyers were likely in way over their heads. (And really, what was prosecutor Lisa Aubuchon thinking, merely regurgitating Ogletree's letter as a criminal complaint?)

According to the billing statements examined by *New Times*, Ogletree also advised Andrew Thomas on matters involving the State Bar. (That cost the taxpayers \$18,929). And, they advised either Arpaio or Thomas -- the billings aren't clear -- about issues relating to the selection of a new county attorney. (That cost us *another* \$12,762.)

Finally, Ogletree billed the county a staggering \$1.2 million for something described only as "contract compliance." County Spokeswoman Cari Gerchick told *New Times* that county administrators have no idea what that means.

We contacted L. Eric Dowell, a shareholder at Ogletree Deakins and the sheriff's lawyer of choice, to ask about the "contract compliance" payments, but we hadn't heard back by press time. We'll post an update if we get an answer.

In the mean time, looking at the wasted \$2.4 million and the unexplained \$1.2 million and the tens of thousands of dollars for failed legal adventures -- well, we never thought we'd say this, but we actually miss Dennis Wilenchik. Yes, *New Times* disagreed with Wilenchik on just about everything. But Wilenchik handled some pretty tough cases for Arpaio, not just political crap that should have never made its way to a docket.

And Wilenchik, unlike the sheriff's new \$2-million-counsel, actually knew how to win.

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EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
Eugene, Oregon Division**

Andrew Clark, Plaintiff
3270 Stoney Ridge Rd.
Eugene, OR 97405 541.510.3915
OperationSunriseLaw@gmail.com

Wells Fargo and Company
420 Montgomery St. San Francisco, CA 94168
as Voluntary or Mandatory
Intervenor for Plaintiff
(Subject to FRCP 24)

*Wells Fargo: attorneys lied,
cheated and stole from us and
tried to hide it by VIOLENT
REPEATED FEDERAL
WITNESS TAMPERING.*

Civil Complaint Case: 6.cv-20-253-aa

Motion for Judicial Notice of Adjudicative Facts
Per Federal Rules of Evidence 201(b)(2)
and Clarification of "Claim for Relief"

March 18, 2020 Crime Report to Billy Williams,
U.S. Attorney for Oregon. (8 Page Exhibit)
Hand-Delivered at Eugene Office and filed with
Court as Correspondence.

vs. Defendants:

This Motion Filed March 26, 2020

Wells Fargo Bank et al

**Motion for Judicial Notice of Adjudicative Facts
and Clarification of Claim for Relief**

My complaint accurately summarized what each Defendant did (or failed to do) that caused and concealed the root crime of the enterprise. No corporate crime is more rare and serious than physically tampering with a federally-insured bank worker with two active federal investigations in process who had also been admitted to local FBI to deliver crime reports due to indications of retaliation. The nature of the tampering is violent and ghastly as I describe.

Such cases get prosecuted similarly to a lurid case of aggravated murder only with more vengeance and a much wider net, which is why so many Defendants are listed. Most of you helped conceal it because you were lied to by the perpetrators (or by others they coerced or influenced.) In my case, special attention should be given to complete role of Defendant Erik Hasselman. Special attention must be given to what motivated him or coerced him because his personal involvement and subsequent corruption of all controls is absolutely epic for a Major Violent Crimes Prosecutor.

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Signed and Sworn to as Fact: Andrew Clark, Plaintiff
3270 Stoney Ridge Rd. Eugene OR 97405 541.510.3915 OperationSunriseLaw@gmail.com

RL
4/9/2020

APR 9 2020 PM 12:08

04/09/2020 11:39AM (GMT-05:00)

March 18, 2020

Billy Williams, United States Attorney for Oregon
1000 SW 3rd Ave Ste 600 Portland OR 97204
c/o Eugene OR Office in Wayne Morse Courthouse

Filed as Exhibit-Motion to Take
Judicial Notice
6.20.cv.253.aa
March 26, 2020

FEDERAL MAJOR VIOLENT CRIME REPORT

Repeated, Physical Tampering of a Federal Witness in Active
Department of Labor and Office of Comptroller of Currency Investigations.
Obstruction of Justice via Rampant Public Corruption Including Hobbs Act Violations.
Novel Crimes: Deliberate, Knowing Use of Family Courts as a Means of Tampering,
Fraudulent and Coordinated Use of Local, State, and Federal Justice Systems to Obstruct.

My civil complaint 6.20.cv.253.aa does a very good job of documenting actions against me and linking them to my employment at Wells Fargo. But unless it is read carefully, it could leave a reader wondering "what crimes could possibly have been committed so extreme that a group of people would be used to conceal it by committing a series of RICO crimes including the use of courts to obstruct justice? What evidence could a lowest-level worker possibly have of it?"

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Thank you from Andy Clark 3270 Stoney Ridge Rd. Eugene OR 97405 541.510.3915 (exhibits follow)

APR 9 2020 PM 12:06
R6 4/9/2020

4 of 4
11-11771

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It is corruption
of FBI processes
and obstruction.

Reviewed by FTO: Plecke
Name

112
Badge

BTW, I did
report to CIA via
nationwide fax#
and consulate
offices in
Bangalore and
Hyderabad India
due to concerns
related to
system
development
work on the
CORE/ELF
system I had to
use here that
was being badly
programmed in
India.

Esch
#623

07-19-11 2330 Hours

Approved By: Magnuson 122

3/16/2020

1729. Protection Of Government Processes – Tampering With Victims, Witnesses, Or Informants – 18 U.S.C. 1512 | JM | Department of ...

An official website of the United States government. [Here's how you know.](#)
 U.S. DEPARTMENT OF JUSTICE
 ARCHIVE

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1729. PROTECTION OF GOVERNMENT PROCESSES – TAMPERING WITH VICTIMS, WITNESSES, OR INFORMANTS – 18 U.S.C. 1512

Section 1512 of Title 18 constitutes a broad prohibition against tampering with a witness, victim or informant. It proscribes conduct intended to illegitimately affect the presentation of evidence in Federal proceedings or the communication of information to Federal law enforcement officers. It applies to proceedings before Congress, executive departments, and administrative agencies, and to civil and criminal judicial proceedings, including grand jury proceedings. See 18 U.S.C. § 1515(e)(1). In addition, the section provides extraterritorial Federal jurisdiction over the offenses created therein. See 18 U.S.C. § 1512(g); 128 Cong. Rec. H8469 (daily ed. Oct. 1, 1980); H. R. Rep. No. 1369, 96th Cong., 2d Sess. 20-22 (1980).

The express prohibitions against tampering with witnesses and parties contained in former 18 U.S.C. §§ 1503 and 1505, are now in paragraphs (b)(1) and (2) of 18 U.S.C. § 1512. (As discussed in this [Manual](#) at 1724 and 1727, the omnibus clauses of these provisions still cover witnesses.) All forms of tampering with informants covered in former 18 U.S.C. § 1510, with the exception of tampering by means of bribery, are now proscribed by 18 U.S.C. § 1512(b)(3). Tampering with informants by means of bribery remains an 18 U.S.C. § 1510 offense.

Section 1512 augments the prohibitions of the former law in several important respects. First, section 1512(b)(3) sweeps more broadly than former 18 U.S.C. § 1510 and expands the class of informants protected by Federal law. For example, it protects individuals having information concerning a violation of a condition of probation, parole, or bail whether or not that violation constitutes a violation of any other Federal criminal statute. Second, it protects individuals seeking to provide information to Federal judges or Federal probation and pretrial services officers.

Section 1512 also includes attempts in its list of prohibited conduct. There is no requirement that the defendant's actions have the intended obstructive effect. See, e.g., *United States v. Murray*, 751 F.2d 1528 (9th Cir.), cert. denied, 474 U.S. 978 (1985); *United States v. Wilson*, 796 F.2d 55 (4th Cir. 1986), cert. denied, 479 U.S. 1039 (1987). As amended by the Criminal Law and Procedure Technical Amendments Act of 1988, Pub. L. 98-848, it is clear that the killing of a witness or attempts to kill a witness in order to prevent his/her testimony constitutes an act of force intended to "influence the witness' testimony." See 18 U.S.C. § 1512(a). This change was necessitated by one court interpreting former § 1512 as not reaching an act of attempted murder that was intended to prevent a witness from testifying. See *United States v. Dawlett*, 787 F.2d 771 (1st Cir. 1986).

The section specifically abolishes the pending proceeding requirement of 18 U.S.C. §§ 1503 and 1505. The provision also eliminates ambiguity about the class of individuals protected. Although the former law protected witnesses, parties, and informants, it was unclear whether that law reached the intimidation of third parties (for example, the spouse of a witness) for the purpose of intimidating the principal party. Section § 1512 of Title 18 plainly covers such conduct, for it speaks of conduct directed toward "another person." See 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982).

Section 1512 protects potential as well as actual witnesses. With the addition of the words "any person," it is clear that a witness is "one who knew or was expected to know material facts and was expected to testify to them before pending judicial proceedings." *United States v. DiSalvo*, 631 F.Supp. 1398 (E.D. Pa. 1986), aff'd, 826 F.2d 1054 (3d Cir. 1987). Under § 1512, an individual retains his/her status as a witness even after testifying. *United States v. Wilson*, 796 F.2d 55 (4th Cir. 1986), cert. denied, 479 U.S. 1039 (1987) (protection of witness under § 1512 continues throughout the trial); *United States v. Patton*, 721 F.2d 189 (8th Cir. 1983) (witness retains status while defendant's motion for a new trial is pending); *United States v. Chandler*, 604 F.2d 972 (5th Cir. 1979) (witness retains status while case is pending on direct appeal). Cf. *United States v. Riskin*, 788 F.2d 1361 (8th Cir.), cert. denied, 479 U.S. 923 (1986) (party was a witness after asserting his Fifth Amendment privilege and being dismissed from the stand since he could be recalled at any time).

Section 1512 of Title 18 contains two significant additions to the types of tampering barred by Federal law. First, it forbids "misleading conduct," as defined in 18 U.S.C. § 1515. Such conduct was not covered in those circuits that had narrowly construed the omnibus clauses of 18 U.S.C. §§ 1503 and 1505 under the rule of ejusdem generis. See *United States v. Metcalf*, 435 F.2d 764 (9th Cir. 1970); *United States v. Essex*, 407 F.2d 214 (6th Cir. 1969). See generally, 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982). Second, 18 U.S.C. § 1512 makes intentional harassment a misdemeanor. This offense is intended to reach conduct less egregious than the corrupt, threatening or forceful conduct required for a violation of former 18 U.S.C. §§ 1503 and 1505. Harassing conduct has been defined as that intended to badger, disturb or pester. *Wilson, supra*.

Despite its coverage, section 1512 was not intended to reach all forms of witness tampering. Its coverage is limited to tampering accomplished by the specific means enumerated in the provision. *United States v. King*, 782 F.2d 232 (2d Cir. 1985), cert. denied, 475 U.S. 1018 (1986). The more imaginative types of witness tampering as well as forms of tampering defying enumeration were still prohibited by the omnibus provision of § 1503. *United States v. Lester*, 749 F.2d 1288 (9th Cir. 1984).

It is unclear whether 18 U.S.C. § 1512(b)(3) was intended to widen the prohibition against obstructing investigations contained in former 18 U.S.C. § 1510 to include investigations that are not per se criminal in nature, such as an FAA investigation of an aircraft accident, or a Senate committee investigation of the trucking industry. A comparison of the difference in phraseology between 18 U.S.C. §§ 1510 and 1512(b)(3), however, indicates that those differences are differences of style, not substance, and that no such expansion was intended. Section 1510 proscribes interference with "the communication of information relating to a violation of any criminal statute of the United States . . ." to a (Federal) criminal investigator; 18 U.S.C. § 1512(b)(3) proscribes interference with "the communication to a (Federal) law enforcement officer . . . of information relating to the commission or possible commission of a Federal offense." There is nothing to indicate that Congress intended to depart from the generally accepted meaning of "law enforcement" as criminal law enforcement and of "offense" as criminal violation. See 18 U.S.C. § 1515(4); 128 Cong. Rec. H8203 (daily ed. Sept. 30,

3/16/2020 1729. Protection Of Government Processes – Tampering With Victims, Witnesses, Or Informants – 18 U.S.C. 1512 | JM | Department of ...
1962). Accordingly, prosecutions for interference with legislative or administrative investigations that have not taken on the character of a criminal investigation should be brought under the omnibus clause of 18 U.S.C. § 1505. See this Manual at 1726.

[cited in JM 9-69.100]

1728. Protection Of Government Processes – Obstruction Of
Federal Criminal Investigation – 18 U.S.C. 1510

up

1730. Protection Of Government Processes – "Official Proceeding"
Requirement – 18 U.S.C. 1512

Updated January 17, 2020

APR 9 2020 PM 12:08

@ 4/9/2020

Case: 17-35247, 06/21/2017, ID: 10482013, DktEntry: 6-1, Page 94 of 295

U.S. DEPARTMENT OF LABOR

Occupational Safety & Health Administration
1111 Third Avenue, Suite 715
Seattle, Washington 98101 - 3212

July 11, 2011

Mr. Andrew Clark
3270 Soncy Ridge Road
Eugene, OR 97405

Re: Consumer Financial Protection Act of 2010 Complaint Dated June 19, 2011

Dear Mr. Clark:

This is to acknowledge receipt of your complaint of retaliation under the whistleblower provision of the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C.A. § 5567 (or, CFPA), which you filed on June 19, 2011. Please be advised that OSHA's jurisdiction to investigate such complaints does not become effective until the "designated transfer date," pursuant to Sections 1058 and 1062 of the Dodd-Frank Act, which the Secretary of the Treasury has set as July 21, 2011. The relevant sections of the statute can be found at www.whistleblowers.gov.

Should you wish to re-file a written CFPA whistleblower complaint on or after July 21st, you may send us another letter with this request. However, in order for OSHA to initiate an investigation, you must provide information that you were retaliated against on or after July 21, 2011.

In your complaint letter, you also requested to file it under Section 806 of the Sarbanes-Oxley Act ("SOX"). Please note that we have docketed that portion of your complaint as a SOX complaint. The SOX complaint has been assigned to OSHA Investigator, Patricia Brown who can be reached at 206-553-5930, and your employer has been notified about it.

Thank-you for your cooperation.

Sincerely,

Vicky Coleman
Regional Supervisory Investigator

RECOGNIZED

RETALIATION

NOT

MAY 25 DOL -
PORTLANDOSHA Occupational
Safety and Health
Administration
www.osha.gov

REPORT

#29

Case 17-35247

Clark vs. Wells Fargo of Pa Exhibits

NO PAGE

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GET
COST AT Page 38

APR 9 2020 PM 12:09

04/09/2020 11:39AM (GMT-05:00)

3/17/2020

Xfinity Connect OGC Case _ 01640244 has been created_ Printout

do_not_reply@occ.treas.gov <do_not_reply@occ.treas.gov>

6/29/2011 6:01 AM

OCC Case # 01640244 has been created.

To: mir99@comcast.net

6/29/2011

Re: Case# 01640244

Dear Andrew Clark:

This is an automatically generated message. Please do not reply to this email. We are unable to respond to messages sent to this address.

Please keep a copy of this email for your records!

This email acknowledges receipt of your Online Consumer Complaint form. Based upon your correspondence we have opened a case in the OCC's Customer Assistance Group (CAG). Please make note of the case number listed above, and provide the number on any future correspondence or contact with our office.

We are reviewing the information you provided, and will contact the bank requesting a response to your issues. In most instances, the bank will respond directly to you and copy us in writing. Once you receive the bank's response, it is very important that you carefully review their summary and actions taken, if any.

If the bank has satisfactorily addressed your issues and/or concerns no further action on your part is required. If however, the bank failed to address your issues and/or concerns or you disagree with their response, please contact the CAG in writing within 30 days of receipt of the bank's letter. Please include in your reply the specific issues that the bank failed to address or, if applicable, the reasons you disagree with the bank's assessment. Also, please include any additional documentation that supports your position.

The OCC examines national banks to ensure their safe and sound financial condition and ensures compliance with applicable banking laws, rules and regulations. The CAG was established to assist customers who have questions or complaints involving national banks. For additional information on the OCC and CAG please visit our Internet site www.helpwithmybank.gov.

The CAG offers guidance, and assists consumers in resolving complaints about national banks and their subsidiaries. The CAG is not a consumer advocacy or bank advocacy group. The OCC is an administrative agency and we do not have jurisdiction to resolve contractual and factual issues. We do not have judicial authority and cannot award damages in excess of a bank's error.

While complaint processing times may vary, on average you should receive a written response from CAG within 60 days after we have a complete file.

If you would like to check the status of your case online, please click on the following link: https://appso.helpwithmybank.gov/olcc_form/checkstatus.aspx or visit www.helpwithmybank.gov and click on the Check Case Status page.

Should you have questions, please contact this office at the number listed below.

Sincerely,

Customer Assistance Group
1-800-813-6743

This message contains confidential information and is intended solely for the use of the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by sending an email to helpwithmybank.fsc@occ.treas.gov if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

APR 9 2020 PM 12:09

4/9/2020

10/18/13

Phoenix - News - Valley Fever - Print Version

Exhibit 1

Sheriff Joe Arpaio's Favorite Law Firm, Ogletree Deakins, Cost Taxpayers \$2.4 Million -- in Just Two Years

By Sarah Fenske

Published Wed., May 26 2010 at 8:00 AM



L. Eric Dowell,
rainmaker

The battle for control of Maricopa County -- pitting Sheriff Joe Arpaio and County Attorney Andrew Thomas against the Board of Supervisors, judges, and county administrators -- has been costly to both taxpayers and the parties involved.

But it's been a major boon to one local law firm.

Ogletree Deakins, a relatively obscure firm specializing in employment law, became Arpaio and Thomas' go-to legal counsel just as the disputes were heating up. And, according to public records obtained by *New Times*, the firm has billed the county for a staggering \$2.49 million since January 2009.

Most of the work had little to do with employment law -- and most of the firm's representation has been unsuccessful, legally speaking.

Ogletree Deakins has fought for the sheriff's right to take over the county's computer system. They tried to argue that the supervisors didn't have the right to sweep money from funds controlled by Thomas and Arpaio. They're currently pressing Arpaio's assertion that he shouldn't have to open his books to county auditors.

And, according to the billing records we looked at, it appears likely that Ogletree lawyers may have even been behind one of Arpaio/Thomas' biggest embarrassments: the criminal charges they filed against the county's presiding criminal court judge, Gary Donahoe.

As *New Times* first reported earlier this month, prosecutors filed criminal charges against Donahoe without bothering to seek a grand jury indictment. They simply filed a direct complaint, and attached a "probable cause" statement that, almost word for word, matched a complaint that the sheriff's office had filed with the Arizona Commission on Judicial Conduct one week before. That complaint, detailing a conspiracy theorist's view of Judge Donahoe's conduct, was signed by Arpaio's chief deputy, David Hendershott.

It now appears that Hendershott had some help penning the letter.

According to its billing statements, Ogletree charged the county \$27,310 for something titled "MCSO State Bar Judicial Committee Complaint Filed February 14, 2009 Clark vs. Wells Fargo et al. Page 28 of 181". The first two invoices with that notation were submitted on December 1, 2009 --

EXHIBIT C

RECEIVED
ORIGINAL

APR - 9 2020

WELLS FARGO ADVISORS
LINWOOD, NJIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
Eugene, Oregon DivisionAndrew Clark, Plaintiff
3270 Stoney Ridge Rd.
Eugene, OR 97405 541.510.3915
OperationSunriseLaw@gmail.comWells Fargo and Company
420 Montgomery St. San Francisco, CA 94163
as Voluntary or Mandatory
Intervenor for Plaintiff
(Subject to FRCP 24)*Wells Fargo: attorneys lied,
cheated and stole from us and
tried to hide it by VIOLENT
REPEATED FEDERAL
WITNESS TAMPERING.***Civil Complaint Case: 6.cv-20-253-aa**Motion for Judicial Notice of Adjudicative Facts
Per Federal Rules of Evidence 201(b)(2)
and Clarification of "Claim for Relief"March 18, 2020 Crime Report to Billy Williams,
U.S. Attorney for Oregon. (8 Page Exhibit)
Hand-Delivered at Eugene Office and filed with
Court as Correspondence.**vs.** Defendants:

Wells Fargo Bank et al

This Motion Filed March 26, 2020

**Motion for Judicial Notice of Adjudicative Facts
and Clarification of Claim for Relief**

My complaint accurately summarized what each Defendant did (or failed to do) that caused and concealed the root crime of the enterprise. No corporate crime is more rare and serious than physically tampering with a federally-insured bank worker with two active federal investigations in process who had also been admitted to local FBI to deliver crime reports due to indications of retaliation. The nature of the tampering is violent and ghastly as I describe.

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Signed and Sworn to as Fact: Andrew Clark, Plaintiff
3270 Stoney Ridge Rd. Eugene OR 97405 541.510.3915 OperationSunriseLaw@gmail.com

March 18, 2020

Billy Williams, United States Attorney for Oregon
1000 SW 3rd Ave Ste 600 Portland OR 97204
c/o Eugene OR Office in Wayne Morse Courthouse

Filed as Exhibit-Motion to Take
Judicial Notice
6.20.cv.253.aa
March 26, 2020

FEDERAL MAJOR VIOLENT CRIME REPORT

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4 of 4
11-11771

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It is corruption
of FBI processes
and obstruction.

Reviewed by FTO: Pieske
Name

112
Badge

BTW, I did
report to CIA via
nationwide fax#
and consulate
offices in
Bangalore and
Hyderabad India
due to concerns
related to
system
development
work on the
CORE/ELF
system I had to
use here that
was being badly
programmed in
India.

Esch
#623

07-19-11 2330 Hours

Approved By: Magnuson 122

3/16/2020

1729. Protection Of Government Processes -- Tampering With Victims, Witnesses, Or Informants -- 18 U.S.C. 1512 | JM | Department of ...



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 DEPARTMENT OF JUSTICE
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1729. PROTECTION OF GOVERNMENT PROCESSES -- TAMPERING WITH VICTIMS, WITNESSES, OR INFORMANTS -- 18 U.S.C. 1512

Section 1512 of Title 18 constitutes a broad prohibition against tampering with a witness, victim or informant. It proscribes conduct intended to illegitimately affect the presentation of evidence in Federal proceedings or the communication of information to Federal law enforcement officers. It applies to proceedings before Congress, executive departments, and administrative agencies, and to civil and criminal judicial proceedings, including grand jury proceedings. See 18 U.S.C. § 1515(a)(1). In addition, the section provides extraterritorial Federal jurisdiction over the offenses created therein. See 18 U.S.C. § 1512(g); 128 Cong. Rec. H8469 (daily ed. Oct. 1, 1980); H. R. Rep. No. 1369, 96th Cong., 2d Sess. 20-22 (1980).

The express prohibitions against tampering with witnesses and parties contained in former 18 U.S.C. §§ 1503 and 1505, are now in paragraphs (b)(1) and (2) of 18 U.S.C. § 1512. (As discussed in this [Manual at 1724](#) and [1727](#), the omnibus clauses of these provisions still cover witnesses.) All forms of tampering with informants covered in former 18 U.S.C. § 1510, with the exception of tampering by means of bribery, are now proscribed by 18 U.S.C. § 1512(b)(3). Tampering with informants by means of bribery remains an 18 U.S.C. § 1510 offense.

Section 1512 augments the prohibitions of the former law in several important respects. First, section 1512(b)(3) sweeps more broadly than former 18 U.S.C. § 1510 and expands the class of informants protected by Federal law. For example, it protects individuals having information concerning a violation of a condition of probation, parole, or bail whether or not that violation constitutes a violation of any other Federal criminal statute. Second, it protects individuals seeking to provide information to Federal judges or Federal probation and pretrial services officers.

Section 1512 also includes attempts in its list of prohibited conduct. There is no requirement that the defendants actions have the intended obstructive effect. See, e.g., *United States v. Murray*, 751 F.2d 1528 (9th Cir.), cert. denied, 474 U.S. 979 (1985); *United States v. Wilson*, 796 F.2d 55 (4th Cir. 1986), cert. denied, 479 U.S. 1039 (1987). As amended by the Criminal Law and Procedure Technical Amendments Act of 1986, Pub. L. 99-646, it is clear that the killing of a witness or attempts to kill a witness in order to prevent his/her testimony constitutes an act of force intended to "influence the witness' testimony." See 18 U.S.C. § 1512(a). This change was necessitated by one court interpreting former § 1512 as not reaching an act of attempted murder that was intended to prevent a witness from testifying. See *United States v. Dawlett*, 787 F.2d 771 (1st Cir. 1986).

The section specifically abolishes the pending proceeding requirement of 18 U.S.C. §§ 1503 and 1505. The provision also eliminates ambiguity about the class of individuals protected. Although the former law protected witnesses, parties, and informants, it was unclear whether that law reached the intimidation of third parties (for example, the spouse of a witness) for the purpose of intimidating the principal party. Section § 1512 of Title 18 plainly covers such conduct, for it speaks of conduct directed toward "another person." See 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982).

Section 1512 protects potential as well as actual witnesses. With the addition of the words "any person," it is clear that a witness is "one who knew or was expected to know material facts and was expected to testify to them before pending judicial proceedings." *United States v. DiSalvo*, 831 F.Supp. 1398 (E.D. Pa. 1986), aff'd, 826 F.2d 1054 (3d Cir. 1987). Under § 1512, an individual retains his/her status as a witness even after testifying. *United States v. Wilson*, 796 F.2d 55 (4th Cir. 1986), cert. denied, 479 U.S. 1039 (1987) (protection of witness under § 1512 continues throughout the trial); *United States v. Patton*, 721 F.2d 159 (6th Cir. 1983) (witness retains status while defendant's motion for a new trial is pending); *United States v. Chandler*, 804 F.2d 972 (5th Cir. 1979) (witness retains status while case is pending on direct appeal). Cf. *United States v. Risken*, 788 F.2d 1361 (8th Cir.), cert. denied, 479 U.S. 923 (1986) (party was a witness after asserting his Fifth Amendment privilege and being dismissed from the stand since he could be recalled at any time).

Section 1512 of Title 18 contains two significant additions to the types of tampering barred by Federal law. First, it forbids "misleading conduct," as defined in 18 U.S.C. § 1515. Such conduct was not covered in those circuits that had narrowly construed the omnibus clauses of 18 U.S.C. §§ 1503 and 1505 under the rule of ejusdem generis. See *United States v. Metcalf*, 435 F.2d 754 (9th Cir. 1970); *United States v. Essex*, 407 F.2d 214 (6th Cir. 1969). See generally, 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982). Second, 18 U.S.C. § 1512 makes intentional harassment a misdemeanor. This offense is intended to reach conduct less egregious than the corrupt, threatening or forceful conduct required for a violation of former 18 U.S.C. §§ 1503 and 1505. Harassing conduct has been defined as that intended to badger, disturb or pester. *Wilson*, *supra*.

Despite its coverage, section 1512 was not intended to reach all forms of witness tampering. Its coverage is limited to tampering accomplished by the specific means enumerated in the provision. *United States v. King*, 762 F.2d 232 (2d Cir. 1985), cert. denied, 475 U.S. 1018 (1986). The more imaginative types of witness tampering as well as forms of tampering defying enumeration were still prohibited by the omnibus provision of § 1503. *United States v. Lester*, 749 F.2d 1288 (9th Cir. 1984).

It is unclear whether 18 U.S.C. § 1512(b)(3) was intended to widen the prohibition against obstructing investigations contained in former 18 U.S.C. § 1510 to include investigations that are not per se criminal in nature, such as an FAA investigation of an aircraft accident, or a Senate committee investigation of the trucking industry. A comparison of the difference in phraseology between 18 U.S.C. §§ 1510 and 1512(b)(3), however, indicates that those differences are differences of style, not substance, and that no such expansion was intended. Section 1510 proscribes interference with "the communication of information relating to a violation of any criminal statute of the United States . . ." to a (Federal) criminal investigator; 18 U.S.C. § 1512(b)(3) proscribes interference with "the communication to a (Federal) law enforcement officer . . . of information relating to the commission or possible commission of a Federal offense." There is nothing to indicate that Congress intended to depart from the generally accepted meaning of "law enforcement" as criminal law enforcement and of "offense" as criminal violation. See 18 U.S.C. § 1515(4); 128 Cong. Rec. H8203 (daily ed. Sept. 30,

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1729. Protection Of Government Processes -- Tampering With Victims, Witnesses, Or Informants -- 18 U.S.C. 1512 | JM | Department of ...

1982). Accordingly, prosecutions for interference with legislative or administrative investigations that have not taken on the character of a criminal investigation should be brought under the omnibus clause of 18 U.S.C. § 1505. See this Manual at 1726.

[cited in JM 9-69.100]

1728. Protection Of Government Processes -- Obstruction Of
Federal Criminal Investigation -- 18 U.S.C. 1510

up

1730. Protection Of Government Processes -- "Official Proceeding"
Requirement -- 18 U.S.C. 1512

Updated January 17, 2020

Case: 17-35247, 06/21/2017, ID: 10482013, DktEntry: 6-1, Page 94 of 295

U.S. DEPARTMENT OF LABOR

Occupational Safety & Health Administration
1111 Third Avenue, Suite 715
Seattle, Washington 98101-3212

July 11, 2011

Mr. Andrew Clark
3270 Soney Ridge Road
Eugene, OR 97405

Re: Consumer Financial Protection Act of 2010 Complaint Dated June 19, 2011

Dear Mr. Clark:

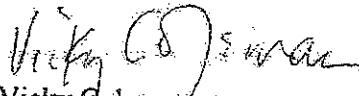
This is to acknowledge receipt of your complaint of retaliation under the whistleblower provision of the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C.A. § 5567 (or, CFPA), which you filed on June 19, 2011. Please be advised that OSHA's jurisdiction to investigate such complaints does not become effective until the "designated transfer date," pursuant to Sections 1058 and 1062 of the Dodd-Frank Act, which the Secretary of the Treasury has set as July 21, 2011. The relevant sections of the statute can be found at www.whistleblowers.gov.

Should you wish to re-file a written CFPA whistleblower complaint on or after July 21st, you may send us another letter with this request. However, in order for OSHA to initiate an investigation, you must provide information that you were retaliated against on or after July 21, 2011.

In your complaint letter, you also requested to file it under Section 806 of the Sarbanes-Oxley Act ("SOX"). Please note that we have docketed that portion of your complaint as a SOX complaint. The SOX complaint has been assigned to OSHA Investigator, Patricia Brown who can be reached at 206-553-5930, and your employer has been notified about it.

Thank-you for your cooperation.

Sincerely,


Vicky Coleman
Regional Supervisory Investigator

RECOGNIZED

RETALIATION

NOT

MAY 25 DOL -
PORTLAND

REPORT

 Occupational
Safety and Health
Administration
www.osha.gov

429

Case 17-35247

Clark vs. Wells Fargo et al Exhibits

100 PAGE

3 a

GOT

LOST AT

Page 38

3/17/2020

Xfinity Connect OCC Case _ 01640244 has been created_ Printout

do_not_reply@occ.treas.gov <do_not_reply@occ.treas.gov>

6/29/2011 6:01 AM

OCC Case # 01640244 has been created.

To mir99@comcast.net

6/29/2011

Re: Case# 01640244

Dear Andrew Clark:

This is an automatically generated message. Please do not reply to this email. We are unable to respond to messages sent to this address.

Please keep a copy of this email for your records!

This email acknowledges receipt of your Online Consumer Complaint form. Based upon your correspondence we have opened a case in the OCC's Customer Assistance Group (CAG). Please make note of the case number listed above, and provide the number on any future correspondence or contact with our office.

We are reviewing the information you provided, and will contact the bank requesting a response to your issues. In most instances, the bank will respond directly to you and copy us in writing. Once you receive the bank's response, it is very important that you carefully review their summary and actions taken, if any.

If the bank has satisfactorily addressed your issues and/or concerns no further action on your part is required. If however, the bank failed to address your issues and/or concerns or you disagree with their response, please contact the CAG in writing within 30 days of receipt of the bank's letter. Please include in your reply the specific issues that the bank failed to address or, if applicable, the reasons you disagree with the bank's assessment. Also, please include any additional documentation that supports your position.

The OCC examines national banks to ensure their safe and sound financial condition and ensures compliance with applicable banking laws, rules and regulations. The CAG was established to assist customers who have questions or complaints involving national banks. For additional information on the OCC and CAG please visit our internet site www.helpwithmybank.gov.

The CAG offers guidance, and assists consumers in resolving complaints about national banks and their subsidiaries. The CAG is not a consumer advocacy or bank advocacy group. The OCC is an administrative agency and we do not have jurisdiction to resolve contractual and factual issues. We do not have judicial authority and cannot award damages in excess of a bank's error.

While complaint processing times may vary, on average you should receive a written response from CAG within 60 days after we have a complete file.

If you would like to check the status of your case online, please click on the following link: https://appsec.helpwithmybank.gov/olcc_form/checkstatus.aspx or visit www.helpwithmybank.gov and click on the Check Case Status page.

Should you have questions, please contact this office at the number listed below.

Sincerely,

Customer Assistance Group
1-800-613-6743

This message contains confidential information and is intended solely for the use of the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by sending an email to helpwithmybank.faq@occ.treas.gov if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

10/18/13

Phoenix - News - Valley Fever - Print Version

Exhibit 1

Sheriff Joe Arpaio's Favorite Law Firm, Ogletree Deakins, Cost Taxpayers \$2.4 Million -- in Just Two Years

By Sarah Fenske

Published Wed., May 26 2010 at 8:00 AM



The battle for control of Maricopa County -- pitting Sheriff Joe Arpaio and County Attorney Andrew Thomas against the Board of Supervisors, judges, and county administrators -- has been costly to both taxpayers and the parties involved.

But it's been a major boon to one local law firm.

Ogletree Deakins, a relatively obscure firm specializing in employment law, became Arpaio and Thomas' go-to legal counsel just as the disputes were heating up. And, according to public records obtained by *New Times*, the firm has billed the county for a staggering \$2.49 million since January 2009.

Most of the work had little to do with employment law -- and most of the firm's representation has been unsuccessful, legally speaking.

Ogletree Deakins has fought for the sheriff's right to take over the county's computer system. They tried to argue that the supervisors didn't have the right to sweep money from funds controlled by Thomas and Arpaio. They're currently pressing Arpaio's assertion that he shouldn't have to open his books to county auditors.

And, according to the billing records we looked at, it appears likely that Ogletree lawyers may have even been behind one of Arpaio/Thomas' biggest embarrassments: the criminal charges they filed against the county's presiding criminal court judge, Gary Donahoe.

As *New Times* first reported earlier this month, prosecutors filed criminal charges against Donahoe without bothering to seek a grand jury indictment. They simply filed a direct complaint, and attached a "probable cause" statement that, almost word for word, matched a complaint that the sheriff's office had filed with the Arizona Commission on Judicial Conduct one week before. That complaint, detailing a conspiracy theorist's view of Judge Donahoe's conduct, was signed by Arpaio's chief deputy, David Hendershott.

It now appears that Hendershott had some help penning the letter.

According to its billing statements, Ogletree charged the county \$27,310 for something titled "MCSO State Bar/Civil Case # 2009-00250, Complaint Filed February 14, 2009 Clark vs. Wells Fargo et al. Page 58 of 12 2009 -- The first two invoices with that notation were submitted on December 1, 2009 --

10/18/13

Phoenix - News - Valley Fever - Print Version

just one day after Hendershott filed "his" complaint with the judicial conduct commission.

So did an employment law specialist draft the document that became the basis for the criminal charges against the county's presiding criminal court judge? If nothing else, it would explain why the document drew guffaws from seasoned prosecutors. Ogletree's lawyers were likely in way over their heads. (And really, what was prosecutor Lisa Aubuchon thinking, merely regurgitating Ogletree's letter as a criminal complaint?)

According to the billing statements examined by *New Times*, Ogletree also advised Andrew Thomas on matters involving the State Bar. (That cost the taxpayers \$18,929). And, they advised either Arpaio or Thomas -- the billings aren't clear -- about issues relating to the selection of a new county attorney. (That cost us *another* \$12,762.)

Finally, Ogletree billed the county a staggering \$1.2 million for something described only as "contract compliance." County Spokeswoman Cari Gerchick told *New Times* that county administrators have no idea what that means.

We contacted L. Eric Dowell, a shareholder at Ogletree Deakins and the sheriff's lawyer of choice, to ask about the "contract compliance" payments, but we hadn't heard back by press time. We'll post an update if we get an answer.

In the mean time, looking at the wasted \$2.4 million and the unexplained \$1.2 million and the tens of thousands of dollars for failed legal adventures -- well, we never thought we'd say this, but we actually miss Dennis Wilenchik. Yes, *New Times* disagreed with Wilenchik on just about everything. But Wilenchik handled some pretty tough cases for Arpaio, not just political crap that should have never made its way to a docket.

And Wilenchik, unlike the sheriff's new \$2-million-counsel, actually knew how to win.

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EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
Eugene, Oregon Division**

Andrew Clark, Plaintiff
3270 Stoney Ridge Rd.
Eugene, OR 97405 541.510.3915
OperationSunriseLaw@gmail.com

Wells Fargo and Company
420 Montgomery St. San Francisco, CA 94163
as Voluntary or Mandatory
Intervenor for Plaintiff
(Subject to FRCP 24)

*Wells Fargo: attorneys lied,
cheated and stole from us and
tried to hide it by VIOLENT
REPEATED FEDERAL
WITNESS TAMPERING.*

Civil Complaint Case: 6.cv-20-253-aa

Motion for Judicial Notice of Adjudicative Facts
Per Federal Rules of Evidence 201(b)(2)
and Clarification of "Claim for Relief"

March 18, 2020 Crime Report to Billy Williams,
U.S. Attorney for Oregon. (8 Page Exhibit)
Hand-Delivered at Eugene Office and filed with
Court as Correspondence.

vs. Defendants:

This Motion Filed March 26, 2020

Wells Fargo Bank et al

**Motion for Judicial Notice of Adjudicative Facts
and Clarification of Claim for Relief**

My complaint accurately summarized what each Defendant did (or failed to do) that caused and concealed the root crime of the enterprise. No corporate crime is more rare and serious than physically tampering with a federally-insured bank worker with two active federal investigations in process who had also been admitted to local FBI to deliver crime reports due to indications of retaliation. The nature of the tampering is violent and ghastly as I describe.

Such cases get prosecuted similarly to a lurid case of aggravated murder only with more vengeance and a much wider net, which is why so many Defendants are listed. Most of you helped conceal it because you were lied to by the perpetrators (or by others they coerced or influenced.) In my case, special attention should be given to complete role of Defendant Erik Hasselman. Special attention must be given to what motivated him or coerced him because his personal involvement and subsequent corruption of all controls is absolutely epic for a Major Violent Crimes Prosecutor.

An employee in our local 'pre-trail services' office named "Brian Snazo" supervises the Risk Assessment Tool (RAT) in Lane County. He and the RAT system electronic archives will most likely reveal my case "it is not their first rodeo." Mr. Snazo is not currently a Defendant.

Signed and Sworn to as Fact: Andrew Clark, Plaintiff
3270 Stoney Ridge Rd, Eugene OR 97405 541.510.3915 OperationSunriseLaw@gmail.com

March 18, 2020

Billy Williams, United States Attorney for Oregon
1000 SW 3rd Ave Ste 600 Portland OR 97204
c/o Eugene OR Office in Wayne Morse Courthouse

Filed as Exhibit-Motion to Take
Judicial Notice
6.20.cv.253.aa
March 26, 2020

FEDERAL MAJOR VIOLENT CRIME REPORT

Repeated, Physical Tampering of a Federal Witness in Active
Department of Labor and Office of Comptroller of Currency Investigations.
Obstruction of Justice via Rampant Public Corruption Including Hobbs Act Violations.
Novel Crimes: Deliberate, Knowing Use of Family Courts as a Means of Tampering,
Fraudulent and Coordinated Use of Local, State, and Federal Justice Systems to Obstruct.

My civil complaint 6.20.cv.253.aa does a very good job of documenting actions against me and linking them to my employment at Wells Fargo. But unless it is read carefully, it could leave a reader wondering "what crimes could possibly have been committed so extreme that a group of people would be used to conceal it by committing a series of RICO crimes including the use of courts to obstruct justice? What evidence could a lowest-level worker possibly have of it?"

1. A police report is a very special and perfect type of evidence. Attached is a page from a Eugene, OR police report dated July 19, 2011. It is Page 82 of the civil complaint. It is from before all the RICO crimes were committed against me. It shows Wells Fargo corporate security agent Martin Ogno was aware I had filed reports with Federal Bureau-Investigation (FBI) in Eugene OR, therefore Wells Fargo was aware. Most shocking: Eugene Police told Ogno I considered his "well-being visit at my home at night by uniformed SWAT police" to be retaliation. Ogno told Eugene Police to 'fuhggedaboutit' and explains he had contacted FBI and that FBI did not take my (just filed in-person and sworn-to well-evidenced, voluminous) reports seriously. Think of that horrific violation of City of Eugene Police.

2. After that is a printout of Department of Justice publication "Criminal Resource Manual 1729". It has a standard archive disclaimer but the content is valid, last updated January 2020. A person who reports to a federal law enforcement agency such as FBI is a Federal Witness. Tampering with a Federal Witness is a violation of 18 USC 1512, particularly when Federal investigations are in process.

3. Two different Federal Investigations were in process. Next exhibits are proof from Department of Labor and Office of Comptroller of Currency of recently accepted Federal investigations. The PACER system records for SLAPP-suit 6.11.cv.06248.ho and my subsequent civil actions show exactly how the courts were used to bypass discovery of the above crimes.

4. My civil complaint enumerates and documents the RICO crimes committed against me. Please note that I presented Tampering using false arrest and jail as violations of 18 USC 1201 by Wells Fargo/Ogletree Deakins: armed kidnapping for political or economic motivations. Use of police to tamper with a Federal Witness is absolutely gangland. It is as bad it gets, other than the novel crimes listed above and detailed in the civil complaint.

5. Related but not relevant to the crime report: I motioned for Wells Fargo and Company to intervene. It is in PACER. It is possible that everything that happened was actually a Wells Fargo & Co. project. A metaphor for that is found on www.TheEugeneBlairProject.com. I placed the Circuit Court and Police a/v on www.RisePatriot.com and www.WellsFargoWitz.com (family court).

Thank you from Andy Clark 3270 Stoney Ridge Rd. Eugene OR 97405 541.510.3915 (exhibits follow)

4 of 4
11-11771

was Officer Pleske who was there with us during the contacts and told Clark that Officer Pleske concurred with my findings in the matters. I asked Clark if there was anything else I could do for him. Clark said there was nothing else I could do for him and he left city hall.

Also per Sergeant Klinko's request, I contacted Marty Ogno, head of security for Wells Fargo. I called Ogno and told him I had contacted Clark and that he had been advised he was trespassed from all Wells Fargo properties. I also told Ogno Clark was concerned he had \$24,000 in an account at Wells Fargo. Ogno said he had looked it up and though Clark only had about \$200 in an account, but that he would close Clark's account and mail him a check with the remaining balance. Ogno asked how the contact went. I told Ogno that Clark felt he was being retaliated upon for contacting the FBI and CIA with Wells Fargo's wrong doings. Ogno said that he had been in contact with the FBI and told me that the FBI did not take Clark's reports seriously.

>>>>>

FBI would
not say that.

Notice no
person at
FBI is
referenced.

At approximately 1900 hours, dispatch advised that Clark had left a phone number for me to call him back so he could further discuss his desire to press charges against Wells Fargo for filing a false police report. I requested Sergeant Magnuson respond to the report writing room where I was working on reports so I could discuss the situation with him before calling Clark back. While I was explaining the situation to Sergeant Magnuson, Dispatch advised that Clark had called back 3 more times requesting contact. I then asked Sergeant Magnuson if he would contact Clark in my behalf in that I was unable to effectively communicate to Clark that Wells Fargo had broken no laws and that they had the right to trespass Clark from their properties.

It is corruption
of FBI processes
and obstruction.

Reviewed by FTO: Pleske
Name:

112
Badge

BTW, I did
report to CIA via
nationwide fax#
and consulate
offices in
Bangalore and
Hyderabad India
due to concerns
related to
system
development
work on the
CORE/ELF
system I had to
use here that
was being badly
programmed in
India.

Esch
#623

07-19-11 2330 Hours

Approved By: Magnuson 122

3/16/2020

1729. Protection Of Government Processes -- Tampering With Victims, Witnesses, Or Informants -- 18 U.S.C. 1512 | JM | Department of ...

An official website of the United States government. [Here's how you know](#)THE UNITED STATES
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1729. PROTECTION OF GOVERNMENT PROCESSES -- TAMPERING WITH VICTIMS, WITNESSES, OR INFORMANTS -- 18 U.S.C. 1512

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The express prohibitions against tampering with witnesses and parties contained in former 18 U.S.C. §§ 1503 and 1505, are now in paragraphs (b)(1) and (2) of 18 U.S.C. § 1512. (As discussed in this Manual at 1724 and 1727, the omnibus clauses of these provisions still cover witnesses.) All forms of tampering with informants covered in former 18 U.S.C. § 1510, with the exception of tampering by means of bribery, are now proscribed by 18 U.S.C. § 1512(b)(3). Tampering with informants by means of bribery remains an 18 U.S.C. § 1510 offense.

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Section 1512 protects potential as well as actual witnesses. With the addition of the words "any person," it is clear that a witness is "one who knew or was expected to know material facts and was expected to testify to them before pending judicial proceedings." *United States v. DiSalvo*, 631 F.Supp. 1398 (E.D. Pa. 1986), aff'd, 826 F.2d 1054 (3d Cir. 1987). Under § 1512, an individual retains his/her status as a witness even after testifying. *United States v. Wilson*, 796 F.2d 55 (4th Cir. 1986), cert. denied, 479 U.S. 1039 (1987) (protection of witness under § 1512 continues throughout the trial); *United States v. Patton*, 721 F.2d 159 (6th Cir. 1983) (witness retains status while defendant's motion for a new trial is pending); *United States v. Chandler*, 604 F.2d 972 (5th Cir. 1979) (witness retains status while case is pending on direct appeal). Cf. *United States v. Risken*, 788 F.2d 1361 (8th Cir.), cert. denied, 479 U.S. 923 (1986) (party was a witness after asserting his Fifth Amendment privilege and being dismissed from the stand since he could be recalled at any time).

Section 1512 of Title 18 contains two significant additions to the types of tampering barred by Federal law. First, it forbids "misleading conduct," as defined in 18 U.S.C. § 1515. Such conduct was not covered in those circuits that had narrowly construed the omnibus clauses of 18 U.S.C. §§ 1503 and 1505 under the rule of ejusdem generis. See *United States v. Metcalf*, 435 F.2d 754 (9th Cir. 1970); *United States v. Essex*, 407 F.2d 214 (6th Cir. 1969). See generally, 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982). Second, 18 U.S.C. § 1512 makes intentional harassment a misdemeanor. This offense is intended to reach conduct less egregious than the corrupt, threatening or forceful conduct required for a violation of former 18 U.S.C. §§ 1503 and 1505. Harassing conduct has been defined as that intended to badger, disturb or pester. *Wilson*, *supra*.

Despite its coverage, section 1512 was not intended to reach all forms of witness tampering. Its coverage is limited to tampering accomplished by the specific means enumerated in the provision. *United States v. King*, 762 F.2d 232 (2d Cir. 1985), cert. denied, 475 U.S. 1018 (1986). The more imaginative types of witness tampering as well as forms of tampering defying enumeration were still prohibited by the omnibus provision of § 1503. *United States v. Lester*, 749 F.2d 1288 (9th Cir. 1984).

It is unclear whether 18 U.S.C. § 1512(b)(3) was intended to widen the prohibition against obstructing investigations contained in former 18 U.S.C. § 1510 to include investigations that are not per se criminal in nature, such as an FAA investigation of an aircraft accident, or a Senate committee investigation of the trucking industry. A comparison of the difference in phraseology between 18 U.S.C. §§ 1510 and 1512(b)(3), however, indicates that those differences are differences of style, not substance, and that no such expansion was intended. Section 1510 proscribes interference with "the communication of information relating to a violation of any criminal statute of the United States . . ." to a (Federal) criminal investigator; 18 U.S.C. § 1512(b)(3) proscribes interference with "the communication to a (Federal) law enforcement officer . . . of information relating to the commission or possible commission of a Federal offense." There is nothing to indicate that Congress intended to depart from the generally accepted meaning of "law enforcement" as criminal law enforcement and of "offense" as criminal violation. See 18 U.S.C. § 1515(4); 128 Cong. Rec. H8203 (daily ed. Sept. 30,

3/16/2020 1729. Protection Of Government Processes -- Tampering With Victims, Witnesses, Or Informants -- 18 U.S.C. 1512 | JM | Department of ...
1982). Accordingly, prosecutions for interference with legislative or administrative investigations that have not taken on the character of a criminal investigation should be brought under the omnibus clause of 18 U.S.C. § 1505. See this Manual at 1726.

[cited in JM 9-69.100]

1728. Protection Of Government Processes -- Obstruction Of
Federal Criminal Investigation -- 18 U.S.C. 1510

up 1730. Protection Of Government Processes -- "Official Proceeding"
Requirement -- 18 U.S.C. 1512

Updated January 17, 2020

Case: 17-35247, 06/21/2017, ID: 10482013, DktEntry: 6-1, Page 94 of 295

U.S. DEPARTMENT OF LABOR

Occupational Safety & Health Administration
1111 Third Avenue, Suite 715
Seattle, Washington 98101-3212

July 11, 2011

Mr. Andrew Clark
3270 Soncy Ridge Road
Eugene, OR 97405

Re: Consumer Financial Protection Act of 2010 Complaint Dated June 19, 2011

Dear Mr. Clark:

This is to acknowledge receipt of your complaint of retaliation under the whistleblower provision of the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C.A. § 5567 (or, CFPA), which you filed on June 19, 2011. Please be advised that OSHA's jurisdiction to investigate such complaints does not become effective until the "designated transfer date," pursuant to Sections 1058 and 1062 of the Dodd-Frank Act, which the Secretary of the Treasury has set as July 21, 2011. The relevant sections of the statute can be found at www.whistleblowers.gov.

Should you wish to re-file a written CFPA whistleblower complaint on or after July 21st, you may send us another letter with this request. However, in order for OSHA to initiate an investigation, you must provide information that you were retaliated against on or after July 21, 2011.

In your complaint letter, you also requested to file it under Section 806 of the Sarbanes-Oxley Act ("SOX"). Please note that we have docketed that portion of your complaint as a SOX complaint. The SOX complaint has been assigned to OSHA Investigator, Patricia Brown who can be reached at 206-553-5930, and your employer has been notified about it.

Thank you for your cooperation.

Sincerely,

Vicky Coleman
Vicky Coleman
Regional Supervisory Investigator

RECOGNIZED

RETALIATION

NOT

MAY 25 DOU -
PORTLAND

REPORT

OSHA Occupational Safety and Health Administration
www.osha.gov

\$29

Case 17-35247

Clark vs. Wells Fargo Def. Exhibits

100 PAGE

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LOST AT

Page 38

3/17/2020

Xfinity Connect OCC Case _ 01640244 has been created_ Printout

do_not_reply@occ.treas.gov <do_not_reply@occ.treas.gov>

6/29/2011 6:01 AM

OCC Case # 01640244 has been created.

To mir99@comcast.net

6/29/2011

Re: Case# 01640244

Dear Andrew Clark:

This is an automatically generated message. Please do not reply to this email. We are unable to respond to messages sent to this address.

Please keep a copy of this email for your records!

This email acknowledges receipt of your Online Consumer Complaint form. Based upon your correspondence we have opened a case in the OCC's Customer Assistance Group (CAG). Please make note of the case number listed above, and provide the number on any future correspondence or contact with our office.

We are reviewing the information you provided, and will contact the bank requesting a response to your issues. In most instances, the bank will respond directly to you and copy us in writing. Once you receive the bank's response, it is very important that you carefully review their summary and actions taken, if any.

If the bank has satisfactorily addressed your issues and/or concerns no further action on your part is required. If however, the bank failed to address your issues and/or concerns or you disagree with their response, please contact the CAG in writing within 30 days of receipt of the bank's letter. Please include in your reply the specific issues that the bank failed to address or, if applicable, the reasons you disagree with the bank's assessment. Also, please include any additional documentation that supports your position.

The OCC examines national banks to ensure their safe and sound financial condition and ensures compliance with applicable banking laws, rules and regulations. The CAG was established to assist customers who have questions or complaints involving national banks. For additional information on the OCC and CAG please visit our internet site www.helpwithmybank.gov.

The CAG offers guidance, and assists consumers in resolving complaints about national banks and their subsidiaries. The CAG is not a consumer advocacy or bank advocacy group. The OCC is an administrative agency and we do not have jurisdiction to resolve contractual and factual issues. We do not have judicial authority and cannot award damages in excess of a bank's error.

While complaint processing times may vary, on average you should receive a written response from CAG within 60 days after we have a complete file.

If you would like to check the status of your case online, please click on the following link: https://appsec.helpwithmybank.gov/cloc_form/checkstatus.aspx or visit www.helpwithmybank.gov and click on the Check Case Status page.

Should you have questions, please contact this office at the number listed below.

Sincerely,

Customer Assistance Group
1-800-613-6743

This message contains confidential information and is intended solely for the use of the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by sending an email to helpwithmybank.fag@occ.treas.gov if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Exhibit 1

Sheriff Joe Arpaio's Favorite Law Firm, Ogletree Deakins, Cost Taxpayers \$2.4 Million -- in Just Two Years

By Sarah Fenske

Published Wed., May 26 2010 at 8:00 AM



The battle for control of Maricopa County -- pitting Sheriff Joe Arpaio and County Attorney Andrew Thomas against the Board of Supervisors, judges, and county administrators -- has been costly to both taxpayers and the parties involved.

But it's been a major boon to one local law firm.

Ogletree Deakins, a relatively obscure firm specializing in employment law, became Arpaio and Thomas' go-to legal counsel just as the disputes were heating up. And, according to public records obtained by *New Times*, the firm has billed the county for a staggering \$2.49 million since January 2009.

Most of the work had little to do with employment law -- and most of the firm's representation has been unsuccessful, legally speaking.

Ogletree Deakins has fought for the sheriff's right to take over the county's computer system. They tried to argue that the supervisors didn't have the right to sweep money from funds controlled by Thomas and Arpaio. They're currently pressing Arpaio's assertion that he shouldn't have to open his books to county auditors.

And, according to the billing records we looked at, it appears likely that Ogletree lawyers may have even been behind one of Arpaio/Thomas' biggest embarrassments: the criminal charges they filed against the county's presiding criminal court judge, Gary Donahoe.

As New Times first reported earlier this month, prosecutors filed criminal charges against Donahoe without bothering to seek a grand jury indictment. They simply filed a direct complaint, and attached a "probable cause" statement that, almost word for word, matched a complaint that the sheriff's office had filed with the Arizona Commission on Judicial Conduct one week before. That complaint, detailing a conspiracy theorist's view of Judge Donahoe's conduct, was signed by Arpaio's chief deputy, David Hendershott.

It now appears that Hendershott had some help penning the letter.

According to its billing statements, Ogletree charged the county \$27,310 for something titled "MCSO State Bar Judicial". The first two invoices with that notation were submitted on December 1, 2009 --

Phoenix - News - Valley Fever - Print Version

EXHIBIT E



Notice of Service of Process

KOC / ALL
Transmittal Number: 21403555
Date Processed: 04/14/2020

Primary Contact: WF West - WF Bank
Corporation Service Company- Wilmington, DELAWARE
251 Little Falls Dr
Wilmington, DE 19808-1674

Entity:	Wells Fargo & Company Entity ID Number 1915501
Entity Served:	Wells Fargo and Company
Title of Action:	Andrew Clark vs. Wells Fargo and Company
Matter Name/ID:	Andrew Clark vs. Wells Fargo Bank (10039276)
Document(s) Type:	Motion
Nature of Action:	Labor / Employment
Court/Agency:	U.S. District Court, OR
Case/Reference No:	2.cv-20-253-aa
Jurisdiction Served:	Oregon
Date Served on CSC:	04/13/2020
Answer or Appearance Due:	Other/NA
Originally Served On:	Wells Fargo Board Communications
How Served:	Client Direct
Sender Information:	Andrew Clark 541-510-3915
Client Requested Information:	Matter Management User Groups: [DNA AM] Routing Rules (CSC): R1652 Classification: Standard

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

From: operationsunriselaw@gmail.com
To: jpollino@ghrlawyers.com; cao@osbar.org; gc@osbar.org; andre.burke@americanbar.org; BoardCommunications@wellsfargo.com
Subject: [attachment stripped] Bar Complaint - 18 USC 1621 violation
Date: Monday, April 13, 2020 1:44:22 PM
Attachments: Bar Complaint - 18 USC 1621 violation.msg

Some parts of this message were removed because they violated your mail server's policies.

Conferral on Case No. 6_20-cv-00253-AA.eml was removed from the message because it violates your mail server's policy.

From: [Operation SunriseLAW](#)
To: [John E. Pollino](#); [OSB CAO Intake](#); [OSB General Counsel](#); andre.burke@americanbar.org; [Board Communications](#)
Subject: Bar Complaint - 18 USC 1621 violation
Date: Monday, April 13, 2020 1:42:48 PM
Attachments: [56.pdf](#)
[56-1.pdf](#)

Evidence is attached. Relates to LR-1 certification of Mr. Pollino Case 20-00253

On April 9, 2020 Mr. Pollino filed a LR-1 certification claiming that we conferred and he went into some detail regarding the nature of conference. Fact is, I received an email last week (attached) with his April 9 filings telling me he considers the email to be conference. I do not recall any other discussion with him and definitely none of substance.

The difference between his LR-1 Certification is so removed from facts and evidence (attached) that it represents yet another RICO Violation on the part of his Clients in this case: Obstruction of Justice-Perjury and implicates him in the concealment of massive and perfectly evidenced Federal Witness Tampering (see attached Motion filed April 26). Obviously they want to continue concealing hard, cold organized crime and proven Federal Witness Tampering. But why would you help them? Did they coerce you to lie to the court as they did Erik Hasselman ?

Thank you very much. Please call me any time in case I missed something here. I just don't recall ever speaking with you. So if your records indicate otherwise, please give me a call. Otherwise I will be compelled to report you and your obstructive LR-1 Certification which is an- act -of -perjury- by -you as appropriate.

Mr. Pollino: your first duty is to the law and to the court.... not your clients frantically working to conceal well-proven facts and evidence in yet more innuendo and ad hominem attacks against me..... especially in this case involving attorneys as defendants.

Thank you from Andy Clark 541.510.3915



Virus-free. www.avast.com

FILED 25 MAR '20 13:28 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
Eugene, Oregon Division

Andrew Clark, Plaintiff
3270 Stoney Ridge Rd.
Eugene, OR 97405 541.510.3915
OperationSunriseLaw@gmail.com

Wells Fargo and Company
420 Montgomery St. San Francisco, CA 94163
as Voluntary or Mandatory
Intervenor for Plaintiff
(Subject to FRCP 24)

Civil Complaint Case: 6.cv-20-253-aa

Motion for Judicial Notice of Adjudicative Facts
Per Federal Rules of Evidence 201(b)(2)
and Clarification of "Claim for Relief"

March 18, 2020 Crime Report to Billy Williams,
U.S. Attorney for Oregon. (8 Page Exhibit)
Hand-Delivered at Eugene Office and filed with
Court as Correspondence.

vs. Defendants:

This Motion Filed March 26, 2020

Wells Fargo Bank et al

**Motion for Judicial Notice of Adjudicative Facts
and Clarification of Claim for Relief**

My complaint accurately summarized what each Defendant did (or failed to do) that caused and concealed the root crime of the enterprise. No corporate crime is more rare and serious than physically tampering with a federally-insured bank worker with two active federal investigations in process who had also been admitted to local FBI to deliver crime reports due to indications of retaliation. The nature of the tampering is violent and ghastly as I describe.

Such cases get prosecuted similarly to a lurid case of aggravated murder only with more vengeance and a much wider net, which is why so many Defendants are listed. Most of you helped conceal it because you were lied to by the perpetrators (or by others they coerced or influenced.) In my case, special attention should be given to complete role of Defendant Erik Hasselman. Special attention must be given to what motivated him or coerced him because his personal involvement and subsequent corruption of all controls is absolutely epic for a Major Violent Crimes Prosecutor.

An employee in our local 'pre-trail services' office named "Brian Snazo" supervises the Risk Assessment Tool (RAT) in Lane County. He and the RAT system electronic archives will most likely reveal my case "it is not their first rodeo." Mr. Snazo is not currently a Defendant.

Signed and Sworn to as Fact: Andrew Clark, Plaintiff
3270 Stoney Ridge Rd. Eugene OR 97405 541.510.3915 OperationSunriseLaw@gmail.com

March 18, 2020
Billy Williams, United States Attorney for Oregon
1000 SW 3rd Ave Ste 600 Portland OR 97204
c/o Eugene OR Office in Wayne Morse Courthouse

Filed as Exhibit-Motion to Take
Judicial Notice
6.20.cv.253.aa
March 26, 2020

FEDERAL MAJOR VIOLENT CRIME REPORT

Repeated, Physical Tampering of a Federal Witness in Active
Department of Labor and Office of Comptroller of Currency Investigations.
Obstruction of Justice via Rampant Public Corruption Including Hobbs Act Violations.
Novel Crimes: Deliberate, Knowing Use of Family Courts as a Means of Tampering,
Fraudulent and Coordinated Use of Local, State, and Federal Justice Systems to Obstruct.

My civil complaint 6.20.cv.253.aa does a very good job of documenting actions against me and linking them to my employment at Wells Fargo. But unless it is read carefully, it could leave a reader wondering "what crimes could possibly have been committed so extreme that a group of people would be used to conceal it by committing a series of RICO crimes including the use of courts to obstruct justice? What evidence could a lowest-level worker possibly have of it?"

1. A police report is a very special and perfect type of evidence. Attached is a page from a Eugene, OR police report dated July 19, 2011. It is Page 82 of the civil complaint. It is from before all the RICO crimes were committed against me. It shows Wells Fargo corporate security agent Martin Ogno was aware I had filed reports with Federal Bureau-Investigation (FBI) in Eugene OR, therefore Wells Fargo was aware. Most shocking: Eugene Police told Ogno I considered his "well-being visit at my home at night by uniformed SWAT police" to be retaliation. Ogno told Eugene Police to 'fuhggedaboutit' and explains he had contacted FBI and that FBI did not take my (just filed in-person and sworn-to well-evidenced, voluminous) reports seriously. Think of that horrific violation of City of Eugene Police.
2. After that is a printout of Department of Justice publication "Criminal Resource Manual 1729". It has a standard archive disclaimer but the content is valid, last updated January 2020. A person who reports to a federal law enforcement agency such as FBI is a Federal Witness. Tampering with a Federal Witness is a violation of 18 USC 1512, particularly when Federal investigations are in process.
3. Two different Federal Investigations were in process. Next exhibits are proof from Department of Labor and Office of Comptroller of Currency of recently accepted Federal investigations. The PACER system records for SLAPP-suit 6.11.cv.06248.ho and my subsequent civil actions show exactly how the courts were used to bypass discovery of the above crimes.
4. My civil complaint enumerates and documents the RICO crimes committed against me. Please note that I presented Tampering using false arrest and jail as violations of 18 USC 1201 by Wells Fargo/Ogletree Deakins; armed kidnapping for political or economic motivations. Use of police to tamper with a Federal Witness is absolutely gangland. It is as bad it gets, other than the novel crimes listed above and detailed in the civil complaint.
5. Related but not relevant to the crime report: I motioned for Wells Fargo and Company to intervene. It is in PACER. It is possible that everything that happened was actually a Wells Fargo & Co. project. A metaphor for that is found on www.TheEugeneBlairProject.com. I placed the Circuit Court and Police a/v on www.RisePatriot.com and www.WellsFargoWitz.com (family court).

Thank you from Andy Clark 3270 Stoney Ridge Rd. Eugene OR 97405 541.510.3915 (exhibits follow)

15 a

4 of 4
11-11771

was Officer Pleske who was there with us during the contacts and told Clark that Officer Pleske concurred with my findings in the matters. I asked Clark if there was anything else I could do for him. Clark said there was nothing else I could do for him and he left city hall.

Also per Sergeant Klinko's request, I contacted Marty Ogno, head of security for Wells Fargo. I called Ogno and told him I had contacted Clark and that he had been advised he was trespassed from all Wells Fargo properties. I also told Ogno Clark was concerned he had \$24,000 in an account at Wells Fargo. Ogno said he had looked it up and though Clark only had about \$200 in an account, but that he would close Clark's account and mail him a check with the remaining balance. Ogno asked how the contact went. I told Ogno that Clark felt he was being retaliated upon for contacting the FBI and CIA with Wells Fargo's wrong doings. Ogno said that he had been in contact with the FBI and told me that the FBI did not take Clark's reports seriously.

>>>>

FBI would
not say that.

Notice no
person at
FBI is
referenced.

At approximately 1900 hours, dispatch advised that Clark had left a phone number for me to call him back so he could further discuss his desire to press charges against Wells Fargo for filing a false police report. I requested Sergeant Magnuson respond to the report writing room where I was working on reports so I could discuss the situation with him before calling Clark back. While I was explaining the situation to Sergeant Magnuson, Dispatch advised that Clark had called back 3 more times requesting contact. I then asked Sergeant Magnuson if he would contact Clark in my behalf in that I was unable to effectively communicate to Clark that Wells Fargo had broken no laws and that they had the right to trespass Clark from their properties.

It is corruption
of FBI processes
and obstruction.

Reviewed by FTO: Pleske
Name

112
Badge

BTW, I did
report to CIA via
nationwide fax#
and consulate
offices in
Bangalore and
Hyderabad India
due to concerns
related to
system
development
work on the
CORE/ELF
system I had to
use here that
was being badly
programmed in
India.

Esch
#623

07-19-11 2330 Hours

Approved By: Magnuson 122

 An official website of the United States government [Here's how you know](#)

THE UNITED STATES
DEPARTMENT OF JUSTICE
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1729. PROTECTION OF GOVERNMENT PROCESSES -- TAMPERING WITH VICTIMS, WITNESSES, OR INFORMANTS -- 18 U.S.C. 1512

Section 1512 of Title 18 constitutes a broad prohibition against tampering with a witness, victim or informant. It proscribes conduct intended to illegitimately affect the presentation of evidence in Federal proceedings or the communication of information to Federal law enforcement officers. It applies to proceedings before Congress, executive departments, and administrative agencies, and to civil and criminal judicial proceedings, including grand jury proceedings. See 18 U.S.C. § 1515(a)(1). In addition, the section provides extraterritorial Federal jurisdiction over the offenses created therein. See 18 U.S.C. § 1512(g); 128 Cong. Rec. H8469 (daily ed. Oct. 1, 1980); H. R. Rep. No. 1369, 96th Cong., 2d Sess. 20-22 (1980).

The express prohibitions against tampering with witnesses and parties contained in former 18 U.S.C. §§ 1503 and 1505, are now in paragraphs (b)(1) and (2) of 18 U.S.C. § 1512. (As discussed in this [Manual at 1724](#) and [1727](#), the omnibus clauses of these provisions still cover witnesses.) All forms of tampering with informants covered in former 18 U.S.C. § 1510, with the exception of tampering by means of bribery, are now proscribed by 18 U.S.C. § 1512(b)(3). Tampering with informants by means of bribery remains an 18 U.S.C. § 1510 offense.

Section 1512 augments the prohibitions of the former law in several important respects. First, section 1512(b)(3) sweeps more broadly than former 18 U.S.C. § 1510 and expands the class of informants protected by Federal law. For example, it protects individuals having information concerning a violation of a condition of probation, parole, or bail whether or not that violation constitutes a violation of any other Federal criminal statute. Second, it protects individuals seeking to provide information to Federal judges or Federal probation and pretrial services officers.

Section 1512 also includes attempts in its list of prohibited conduct. There is no requirement that the defendants' actions have the intended obstructive effect. See, e.g., *United States v. Murray*, 751 F.2d 1528 (9th Cir.), cert. denied, 474 U.S. 979 (1985); *United States v. Wilson*, 796 F.2d 55 (4th Cir. 1986), cert. denied, 479 U.S. 1039 (1987). As amended by the Criminal Law and Procedure Technical Amendments Act of 1986, Pub. L. 99-646, it is clear that the killing of a witness or attempts to kill a witness in order to prevent his/her testimony constitutes an act of force intended to "influence the witness' testimony." See 18 U.S.C. § 1512(a). This change was necessitated by one court interpreting former § 1512 as not reaching an act of attempted murder that was intended to prevent a witness from testifying. See *United States v. Dawlett*, 787 F.2d 771 (1st Cir. 1986).

The section specifically abolishes the pending proceeding requirement of 18 U.S.C. §§ 1503 and 1505. The provision also eliminates ambiguity about the class of individuals protected. Although the former law protected witnesses, parties, and informants, it was unclear whether that law reached the intimidation of third parties (for example, the spouse of a witness) for the purpose of intimidating the principal party. Section § 1512 of Title 18 plainly covers such conduct, for it speaks of conduct directed toward "another person." See 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982).

Section 1512 protects potential as well as actual witnesses. With the addition of the words "any person," it is clear that a witness is "one who knew or was expected to know material facts and was expected to testify to them before pending judicial proceedings." *United States v. DiSalvo*, 631 F.Supp. 1398 (E.D. Pa. 1986), *aff'd*, 826 F.2d 1054 (3d Cir. 1987). Under § 1512, an individual retains his/her status as a witness even after testifying. *United States v. Wilson*, 796 F.2d 55 (4th Cir. 1986), cert. denied, 479 U.S. 1039 (1987) (protection of witness under § 1512 continues throughout the trial); *United States v. Patton*, 721 F.2d 159 (6th Cir. 1983) (witness retains status while defendant's motion for a new trial is pending); *United States v. Chandler*, 604 F.2d 972 (5th Cir. 1979) (witness retains status while case is pending on direct appeal). Cf. *United States v. Risken*, 788 F.2d 1361 (8th Cir.), cert. denied, 479 U.S. 923 (1986) (party was a witness after asserting his Fifth Amendment privilege and being dismissed from the stand since he could be recalled at any time).

Section 1512 of Title 18 contains two significant additions to the types of tampering barred by Federal law. First, it forbids "misleading conduct," as defined in 18 U.S.C. § 1515. Such conduct was not covered in those circuits that had narrowly construed the omnibus clauses of 18 U.S.C. §§ 1503 and 1505 under the rule of ejusdem generis. See *United States v. Metcalf*, 435 F.2d 754 (9th Cir. 1970); *United States v. Essex*, 407 F.2d 214 (6th Cir. 1969). See generally, 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982). Second, 18 U.S.C. § 1512 makes intentional harassment a misdemeanor. This offense is intended to reach conduct less egregious than the corrupt, threatening or forceful conduct required for a violation of former 18 U.S.C. §§ 1503 and 1505. Harassing conduct has been defined as that intended to badger, disturb or pester. *Wilson*, *supra*.

Despite its coverage, section 1512 was not intended to reach all forms of witness tampering. Its coverage is limited to tampering accomplished by the specific means enumerated in the provision. *United States v. King*, 762 F.2d 232 (2d Cir. 1985), cert. denied, 475 U.S. 1018 (1986). The more imaginative types of witness tampering as well as forms of tampering defying enumeration were still prohibited by the omnibus provision of § 1503. *United States v. Lester*, 749 F.2d 1288 (9th Cir. 1984).

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3/16/2020

1729. Protection Of Government Processes -- Tampering With Victims, Witnesses, Or Informants -- 18 U.S.C. 1512 | JM | Department of ...

1982). Accordingly, prosecutions for interference with legislative or administrative investigations that have not taken on the character of a criminal investigation should be brought under the omnibus clause of 18 U.S.C. § 1505. See this Manual at 1726.

[cited in JM 9-69.100]

◀ 1728. Protection Of Government Processes -- Obstruction Of
Federal Criminal Investigation -- 18 U.S.C. 1510

up

1730. Protection Of Government Processes -- "Official Proceeding"
Requirement -- 18 U.S.C. 1512 ▶

Updated January 17, 2020

U.S. DEPARTMENT OF LABOR

Occupational Safety & Health Administration
1111 Third Avenue, Suite 715
Seattle, Washington 98101 - 3212



July 11, 2011

Mr. Andrew Clark
3270 Soney Ridge Road
Eugene, OR 97405

Re: Consumer Financial Protection Act of 2010 Complaint Dated June 19, 2011

Dear Mr. Clark:

This is to acknowledge receipt of your complaint of retaliation under the whistleblower provision of the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C.A. § 5567 (or, CFPA), which you filed on June 19, 2011. Please be advised that OSHA's jurisdiction to investigate such complaints does not become effective until the "designated transfer date," pursuant to Sections 1058 and 1062 of the Dodd-Frank Act, which the Secretary of the Treasury has set as *July 21, 2011*. The relevant sections of the statute can be found at www.whistleblowers.gov.

Should you wish to re-file a written CFPA whistleblower complaint on or after July 21st, you may send us another letter with this request. However, in order for OSHA to initiate an investigation, you must provide information that you were retaliated against on or after July 21, 2011.

In your complaint letter, you also requested to file it under Section 806 of the Sarbanes-Oxley Act ("SOX"). Please note that we have docketed that portion of your complaint as a SOX complaint. The SOX complaint has been assigned to OSHA Investigator, Patricia Brown who can be reached at 206-553-5930, and your employer has been notified about it.

Thank-you for your cooperation.

Sincerely,

Vicky Coleman
Vicky Coleman
Regional Supervisory Investigator

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REPORT

OSHA Occupational
Safety and Health
Administration
www.osha.gov

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Case 17-35247

Clark vs. Wells Fargo et al Exhibits

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do_not_reply@occ.treas.gov <do_not_reply@occ.treas.gov>

6/29/2011 6:01 AM

OCC Case # 01640244 has been created.

To mir99@comcast.net

6/29/2011

Re: Case# 01640244

Dear Andrew Clark:

This is an automatically generated message. Please do not reply to this email. We are unable to respond to messages sent to this address.

Please keep a copy of this email for your records!

This email acknowledges receipt of your Online Consumer Complaint form. Based upon your correspondence we have opened a case in the OCC's Customer Assistance Group (CAG). Please make note of the case number listed above, and provide the number on any future correspondence or contact with our office.

We are reviewing the information you provided, and will contact the bank requesting a response to your issues. In most instances, the bank will respond directly to you and copy us in writing. Once you receive the bank's response, it is very important that you carefully review their summary and actions taken, if any.

If the bank has satisfactorily addressed your issues and/or concerns no further action on your part is required. If however, the bank failed to address your issues and/or concerns or you disagree with their response, please contact the CAG in writing within 30 days of receipt of the bank's letter. Please include in your reply the specific issues that the bank failed to address or, if applicable, the reasons you disagree with the bank's assessment. Also, please include any additional documentation that supports your position.

The OCC examines national banks to ensure their safe and sound financial condition and ensures compliance with applicable banking laws, rules and regulations. The CAG was established to assist customers who have questions or complaints involving national banks. For additional information on the OCC and CAG please visit our internet site www.helpwithmybank.gov.

The CAG offers guidance, and assists consumers in resolving complaints about national banks and their subsidiaries. The CAG is not a consumer advocacy or bank advocacy group. The OCC is an administrative agency and we do not have jurisdiction to resolve contractual and factual issues. We do not have judicial authority and cannot award damages in excess of a bank's error.

While complaint processing times may vary, on average you should receive a written response from CAG within 60 days after we have a complete file.

If you would like to check the status of your case online, please click on the following link: https://appsec.helpwithmybank.gov/olcc_form/checkstatus.aspx or visit www.helpwithmybank.gov and click on the Check Case Status page.

Should you have questions, please contact this office at the number listed below.

Sincerely,

Customer Assistance Group
1-800-613-6743

This message contains confidential information and is intended solely for the use of the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by sending an email to helpwithmybank.fag@occ.treas.gov if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Exhibit 1

Sheriff Joe Arpaio's Favorite Law Firm, Ogletree Deakins, Cost Taxpayers \$2.4 Million -- in Just Two Years

By Sarah Fenske

Published Wed., May 26 2010 at 8:00 AM



The battle for control of Maricopa County -- pitting Sheriff Joe Arpaio and County Attorney Andrew Thomas against the Board of Supervisors, judges, and county administrators -- has been costly to both taxpayers and the parties involved.

But it's been a major boon to one local law firm.

Ogletree Deakins, a relatively obscure firm specializing in employment law, became Arpaio and Thomas' go-to legal counsel just as the disputes were heating up. And, according to public records obtained by *New Times*, the firm has billed the county for a staggering \$2.49 million since January 2009.

Most of the work had little to do with employment law -- and most of the firm's representation has been unsuccessful, legally speaking.

Ogletree Deakins has fought for the sheriff's right to take over the county's computer system. They tried to argue that the supervisors didn't have the right to sweep money from funds controlled by Thomas and Arpaio. They're currently pressing Arpaio's assertion that he shouldn't have to open his books to county auditors.

And, according to the billing records we looked at, it appears likely that Ogletree lawyers may have even been behind one of Arpaio/Thomas' biggest embarrassments: the criminal charges they filed against the county's presiding criminal court judge, Gary Donahoe.

As *New Times* first reported earlier this month, prosecutors filed criminal charges against Donahoe without bothering to seek a grand jury indictment. They simply filed a direct complaint, and attached a "probable cause" statement that, almost word for word, matched a complaint that the sheriff's office had filed with the Arizona Commission on Judicial Conduct one week before. That complaint, detailing a conspiracy theorist's view of Judge Donahoe's conduct, was signed by Arpaio's chief deputy, David Hendershott.

It now appears that Hendershott had some help penning the letter.

According to its billing statements, Ogletree charged the county \$27,310 for something titled "MCSO State Bar Judicial Complaint." The first two invoices with that notation were submitted on December 1, 2009 --

just one day after Hendershott filed "his" complaint with the judicial conduct commission.

So did an employment law specialist draft the document that became the basis for the criminal charges against the county's presiding criminal court judge? If nothing else, it would explain why the document drew guffaws from seasoned prosecutors. Ogletree's lawyers were likely in way over their heads. (And really, what was prosecutor Lisa Aubuchon thinking, merely regurgitating Ogletree's letter as a criminal complaint?)

According to the billing statements examined by *New Times*, Ogletree also advised Andrew Thomas on matters involving the State Bar. (That cost the taxpayers \$18,929). And, they advised either Arpaio or Thomas -- the billings aren't clear -- about issues relating to the selection of a new county attorney. (That cost us *another* \$12,762.)

Finally, Ogletree billed the county a staggering \$1.2 million for something described only as "contract compliance." County Spokeswoman Cari Gerchick told *New Times* that county administrators have no idea what that means.

We contacted L. Eric Dowell, a shareholder at Ogletree Deakins and the sheriff's lawyer of choice, to ask about the "contract compliance" payments, but we hadn't heard back by press time. We'll post an update if we get an answer.

In the mean time, looking at the wasted \$2.4 million and the unexplained \$1.2 million and the tens of thousands of dollars for failed legal adventures -- well, we never thought we'd say this, but we actually miss Dennis Wilenchik. Yes, *New Times* disagreed with Wilenchik on just about everything. But Wilenchik handled some pretty tough cases for Arpaio, not just political crap that should have never made its way to a docket.

And Wilenchik, unlike the sheriff's new \$2-million-counsel, actually knew how to win.

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